

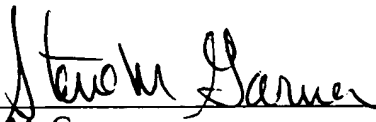
**CORRIGENDUM**  
**for Deposition of Steve Garner**  
**Taken August 11, 2000**

<i>PAGE</i>	<i>LINE</i>	<i>CHANGE/REASON</i>
5	11	Correct "Mark" to "Mart"
12	14	After "configuration" insert the following: "Tower coaters had been offered with anilox configuration since the early '90s for end of press application only."
13	1	After "equipment" add: "add-on 'rack backs' with anilox rollers had been offered since the late '70s through my own personal observation."
13	19	After "was" insert: "It must have been printed by PRI and added to the brochure."
15	20	After "correct" add: "we were in the same Coast Guard reserve unit."
22	22	After "like" insert: "Williamson is known nationally as an innovative and creative leader in its methodology, for which it has received literally hundreds of awards which line its halls. I considered this type of work research and development."
27	14	After "consider" add: "There are innumerable types of simulations: (a) computer simulation of a process utilizing software that will provide results; (b) flight and combat simulators; (c) practice various steps of a process to predict the overall results. There are many others."
31	23	After "press" add: "The Rendleman coater was an adaptation of an existing 'rack back' coater fitted to PRI's 2/c Heidelberg Press."
32	19	After "in" add: "Williamson also has the reputation of being the most innovative and creative printer in the area."
37	9	After "process" add: "The RDP equipment is web fed which is different from the sheet-fed presses built by Heidelberg and others."
38	10	After "up" add: "I didn't discuss the RDP press with Mr. Falk."
41	18	Insert "it" "At the time PRI began working on the Rendleman coater in the fall of '94, the idea of applying flexo in front of litto was novel and unobvious because of the difference in the methods of application and the drying problems."

**BEST AVAILABLE COPY**

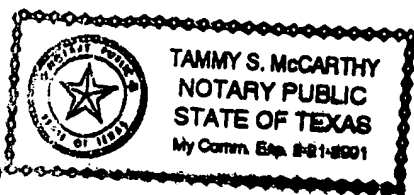
PAGE	LINE	CHANGE/REASON
42	14	After "A" add: "Outside of Williamson, in sheet-fed, the short answer is no."
43	12-13	Strike out the first sentence and insert the following: "A copy of the RDP brochure is attached as exhibit (4). This pertains to a web application only. Exact publication date is unknown but note footnote on last page is 94-08-5m."
63	21	After "I": "Upon further reflection, the second sentence of Paragraph 5 of the declaration should have said that some of the boards may have been preprinted."
78	25	After "modification": "In hindsight, design and fabrication of the short-arm device came first because of the desire to have printed samples available for DRUPA95 in May '95 and a long-arm device could not be available in this time frame."
81	2	Add after "yes": "There was no order for the short-arm device; there was an order for the long arm in Feb. '95."
87	17	After "too": "Rendleman began designing a long-arm device and switched to the short-arm design when the decision was made to install on the "L" coater unit. He returned to the long-arm design after installation of the short-arm device."
101	17	After "presence": "There was an oral order given at a meeting in Feb. '95 by Jesse for an interstation coater."
120	9	After "any": "other than the process."
121	14	After "yes" insert: "This was about the same time I recollect hearing about WIMS, and this improvement process seemed to be an extension of WIMS, which I knew was a Williamson process."
125	2	After "chemicals" insert: "They provided a process."
132	13	Change "pound" to "fountain".

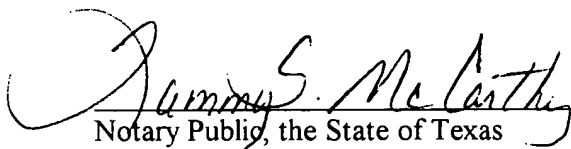
I, Steve M. Garner, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

  
\_\_\_\_\_  
Steve M. Garner

STATE OF TEXAS       )  
                                  )  
COUNTY OF DALLAS    )

Subscribed and sworn to before me by the said witness, Steve M. Garner, this 21st day of September, 2000, by



  
\_\_\_\_\_  
Notary Public, the State of Texas

09315796-051601

(seal)

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF TEXAS  
3 DALLAS DIVISION

4 PRINTING RESEARCH, INC.  
5 and HOWARD W. DEMOORE

6 VS

CIVIL ACTION NO.  
3-99CV1154-M

7 WILLIAMSON PRINTING CORP.,  
8 BILL L. DAVIS and  
9 JESSE S. WILLIAMSON

10 ORAL AND VIDEOTAPED DEPOSITION

11 OF

12 STEVE GARNER

13 August 11, 2000

14  
15 ANSWERS AND DEPOSITION OF STEVE GARNER,  
16 produced as a witness at the instance of the Plaintiffs,  
17 being duly sworn, was taken in the above-styled and  
18 numbered cause on the 11th day of August, 2000, from  
19 9:47 a.m. to 4:27 p.m., before Sharon Gayle, a Certified  
20 Shorthand Reporter in and for the State of Texas, via  
21 machine shorthand, at the offices of Locke Liddell &  
22 Sapp, L.L.P., located at 2200 Ross Avenue, Suite 2200,  
23 in the City of Dallas, County of Dallas, State of  
24 Texas.

25 **COPY**

## A P P E A R A N C E S

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Also Present: Mr. Howard DeMoore  
Mr. Dave Douglas  
Mr. Ron Rendleman  
Mr. Bill Davis  
Mr. Cody Clinton, Videographer

## I N D E X

WITNESS: STEVE GARNER

## PAGE

Examination by Mr. William D. Harris

5

## E X H I B I T S

## NUMBER

## DESCRIPTION

## PAGE

1	Subpoena	6
2	Brochure - Take a Ride with WIMS	14
3	Declaration of Steve M. Garner	17

## P R O C E E D I N G S

THE VIDEOGRAPHER: We are on the video record at 9:47 a.m. This is the videotaped deposition of Steve Garner taken in the matter of Printing Research, Incorporated, and Howard DeMoore versus Williamson Printing Corporation, Bill C. (sic) Davis, and Jesse S. Williamson, Cause Number 3-99CU1154-M (sic), being heard in the United States District Court, Northern District, Texas, of Dallas Division, at 2200 Ross Avenue, Dallas, Texas, at the time and date indicated on the video record.

Would the attorneys present please state their appearances.

MR. HARRIS: Okay. For Printing Research, Incorporated, and for Howard DeMoore, I'm Bill Harris. And I will be questioning the witness today, who we have noticed and subpoenaed.

MR. PINKERTON: I'm John Pinkerton representing the Defendants.

MR. FALK: I'm Bob Falk of Falk & Fish, also representing the Defendants.

MR. SWEENEY: Marty Sweeney representing the Plaintiffs.

MR. WILSON: Stephen Wilson also with the Plaintiffs.

1 MR. HARRIS: That is all.

2 THE COURT REPORTER: Okay.

3 THE VIDEOGRAPHER: Would the reporter  
4 please swear in the witness.

5 STEVE GARNER,  
6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. HARRIS:

9 Q. For the record, sir, would you please state  
10 your full name and your address.

11 A. My name is Steve Mark Garner. I reside at  
12 209 Mill Creek Drive in Arlington, Texas.

13 Q. And how are you employed at this time?

14 A. I'm the product manager for a company, Harris &  
15 Bruno, which is a manufacturer of graphic arts  
16 equipment.

17 Q. Of what kind?

18 A. Graphic arts equipment.

19 Q. Particularly what?

20 A. Closed chamber doctor blade systems for --  
21 mainly for the flexo industry, some -- some for offset.

22 Q. I next would like to show you a document that  
23 we will mark as Garner 1, which is a subpoena with the  
24 attachments -- a subpoena by your name. I think you can  
25 verify that's what it is for me.



1 A. If it's the same document that I was delivered  
2 this week, then, yes, I verify that that's indeed what  
3 that is.

4 Q. She's going to put a sticker on there,  
5 Mr. Garner, and then it will be official. Take a very  
6 quick second, and to your satisfaction, see if that  
7 isn't the same document.

8 (Exhibit 1 marked)

9 A. Yes, indeed, it seems to be the same document.

10 Q. (By Mr. Harris) And the document has, as a  
11 part, a portion entitled Plaintiffs Amended Notice of  
12 Oral Deposition of Steve -- Steven -- I'm sorry --  
13 Steve M. Garner, true?

14 A. Yes, that's true.

15 Q. And it's a document of a couple of pages. And  
16 at the bottom of Page 1 there are some numerals starting  
17 off Numeral 1 in parentheses and running to the next  
18 page and through Numeral 3?

19 A. Correct.

20 Q. My question of you is: Have you brought all of  
21 the documents that respond to those Categories 1, 2,  
22 and 3?

23 A. Yes, sir. The only document that I have -- and  
24 it's actually not a document -- in my possession was a  
25 brochure that the Williamson Company had that was

1 describing the WIMS process. I came across that. All  
2 other documentation that I'm aware of is at Printing  
3 Research, which I have researched and collected while I  
4 was there. So I don't have anything other than I found  
5 this brochure.

6 Q. Might I look at the brochure you brought?

7 A. Certainly.

8 Q. The brochure has a number of sheets enclosed in  
9 it, does it not?

10 A. Yes, sir. That's correct.

11 Q. And there are various printing samples?

12 A. Yes, sir.

13 Q. Are -- can you tell me if any of these items  
14 were printed using flexographic printing?

15 A. Yes, sir, they were. There are some --

16 Q. Which ones?

17 A. There are some processes on some of these that  
18 were done by the flexographic process.

19 Q. Would you show me?

20 A. To the best of my knowledge -- I didn't  
21 actually print these, but I will -- the gold on the  
22 Rolex, metallic flex gold; the gold on this place  
23 setting; the gold on this -- on this item. Silver, I'm  
24 not sure. I'm not so sure. The gold, I am. The silver  
25 I couldn't, you know -- I couldn't tell you whether that

1 was done flexographically; but the gold, to the best of  
2 my knowledge, was done flexographically.

3 Q. And was the lithography also involved?

4 A. Yes, sir.

5 Q. And can you tell me whether the items you've  
6 identified were made in one or two passes?

7 A. They were done in two passes.

8 Q. Do you know where they were done?

9 A. To the best of my knowledge, they were done at  
10 Williamson Printing.

11 Q. Can you tell me when they were done?

12 A. Again, to the best of my knowledge, they would  
13 have been done prior to DRUPA of '95 because these were  
14 handed out probably in March or April. But I don't -- I  
15 wasn't there when they were -- when they were printed,  
16 but I was aware that they were being printed. We had  
17 intimate contact with Williamson during that time.

18 Q. On what --

19 A. I say "we" as Printing Research.

20 Q. Uh-huh. On what is it that you base the,  
21 quote, "best of your knowledge"?

22 A. I didn't run the press, and I didn't -- I'm not  
23 a pressman, so I -- to the best of my knowledge, that's  
24 where they were printed. That's all I -- that's all I'm  
25 saying. They weren't printed, to the best of my

1 knowledge, at Printing Research.

2 Q. I don't believe I asked that, but that's okay.

3 A. That's --

4 Q. Did you tell me when? Just before DRUPA? Was  
5 that --

6 A. Yes. It would have been -- DRUPA was in early  
7 May of '95, and they were done prior to that -- probably  
8 shortly prior to that.

9 Q. Do you think you were present when it was done?

10 A. I don't recall being present when those were  
11 done. I was aware that they were being done, but I  
12 don't recall being present.

13 Q. How and when did you achieve that awareness?

14 A. I'm sorry? Awareness?

15 Q. How and when did you achieve that awareness?

16 A. We were -- and "we, " as being Printing  
17 Research at that point, were going to have some of these  
18 brochures provided to us for the -- for distribution  
19 from our booth. In fact, that, on here, alludes to  
20 something to that effect. So it was --

21 Q. Let me -- would you point out to me  
22 specifically what you're talking about.

23 A. There's a sticker on here that indicates what  
24 the process --

25 Q. Uh-huh.

1 A. And it indicates that Printing Research was  
2 involved with that.

3 Q. Well, as a matter of fact, it indicates, does  
4 it not, that if additional information is wanted, one  
5 should call Printing Research --

6 A. Yes, sir. I --

7 Q. -- giving a telephone number?

8 A. -- believe that's what the sticker says.

9 Q. Are you sure that Printing Research didn't run  
10 these materials over at Williamson?

11 A. That Printing Research didn't run them at --

12 Q. Yes.

13 A. I'm not sure I understand that.

14 Q. Well, run the press or operate the equipment  
15 over at Williamson when these were printed.

16 A. Printing Research had -- I would assume, again,  
17 that Printing Research may have had some people there.

18 I wasn't there. We had a piece of equipment on the  
19 machine to produce the gold, and it's possible that  
20 Printing Research had some staff there.

21 Q. Was that piece of equipment at that time an  
22 end-of-the-printing-line mounted piece of equipment?

23 A. Yes, sir. Actually, it was mounted on one of  
24 the coater units --

25 Q. Right.

1 (Mr. Sweeney left deposition proceedings)

2 A. -- at the end of the press.

3 Q. (By Mr. Harris) The coater units are at the  
4 end of the line, true?

5 A. Yes, sir.

6 Q. Is that what Heidelberg calls LYL?

7 A. No. L means coater. LYL just designates a --  
8 that it's a double coater. This particular press was  
9 not an LYL.

10 Q. I see. Well, while we're at it, what does Y  
11 mean then?

12 A. It's some German word that designates the  
13 drying section between the two coaters, and I couldn't  
14 tell you what the translation of that is.

15 Q. So this was mounted on a coating station; is  
16 that true?

17 A. Yes, that's true.

18 Q. And the coating station was at the end of the  
19 press?

20 A. Correct.

21 Q. Now, how do you know that? You said you  
22 weren't there.

23 A. This is a configuration that's very common on  
24 printing presses, which I'd been around for several  
25 decades and was quite familiar with that type of

1 machine.

2 Q. Have they commonly had one of these units like  
3 you said Printing Research had supplied at the --  
4 mounted at the end of the coater, the ones that you had  
5 known about so long?

6 MR. PINKERTON: Objection to form, and  
7 objection to leading.

8 Q. (By Mr. Harris) Do you want me to try again?

9 MR. PINKERTON: You can go ahead and  
10 answer the question.

11 A. I'm not sure I understand exactly what you're  
12 saying there. It's very common for a coater to be  
13 located at the end of a press. And it's very common for  
14 them to be anilox, having an anilox configuration.

15 Q. (By Mr. Harris) Was it common for them to have  
16 a unit like PRI apparently had supplied?

17 A. No, that was not common.

18 Q. What was different about it?

19 A. The PRI was -- excuse me. I may have to get  
20 some water here in a minute.

21 MR. WILSON: I'll get you some.

22 A. -- was an add-on. It was not part of the  
23 original equipment. And so it was not designed as, you  
24 know, into the press. It was added to the press  
25 afterwards as opposed to being fitted at the factory as

1 part of the original equipment.

2 Q. (By Mr. Harris) Did that make for more  
3 flexibility?

4 MR. PINKERTON: Objection as to form.

5 A. I would say that it would add some flexibility  
6 to it. Yes, sir. Yes, sir. It would add some  
7 flexibility, in my opinion, to the process.

8 MR. HARRIS: Let's take about a minute and  
9 give you a chance to get some of that water.

10 THE WITNESS: (Witness complies.)

11 MR. HARRIS: You're happy now?

12 THE WITNESS: Yeah.

13 Q. (By Mr. Harris) Referring to the sticker  
14 appearing on the inside of the brochure or jacket  
15 carrying various pictures or prints, do you know the  
16 origin of it?

17 A. No, sir, I don't. I honestly don't know where  
18 that came from. I mean, I opened the brochure and there  
19 it was.

20 Q. Where did you get the brochure?

21 A. I got the brochure, I'm sure, at DRUPA. And  
22 the first time I had come across it was this week when I  
23 was going through some old files, and I came across the  
24 brochure.

25 Q. Of course the item is a document that, as far



1 as I'm concerned, is your document. So I need to make  
2 arrangements with you so we can somehow copy it or take  
3 temporary custody of it or just take it, if you don't  
4 care. Whatever you say.

5 A. I seem to recollect I may have put one of these  
6 in the packet of information that I had sent over to you  
7 a couple of years ago, along with some other things. I  
8 may be incorrect, but certainly you can -- you can do  
9 with it what you wish.

10 Q. You're not married to it, then?

11 A. I didn't really even realize I had it until  
12 this week, so I really haven't missed it.

13 MR. HARRIS: Okay. I'd like to mark this  
14 item as Exhibit 2. And I'd like for you to count and  
15 take note of how many sheets it has that's carried  
16 inside of the packet.

17 (Exhibit 2 marked)

18 THE COURT REPORTER: Okay. I'm counting  
19 six. Am I counting this (indicating) as one?

20 MR. HARRIS: Would you make reference to  
21 one of the items being entitled The WIMS Process.

22 MR. PINKERTON: And also make note of the  
23 fact that the brochure is entitled, on the front cover,  
24 Take a Ride with WIMS.

25 MR. HARRIS: I don't know if you can reach

1 it or not.

2 THE WITNESS: We're going to have to get a  
3 smaller table or longer arms.

4 MR. HARRIS: Dave --

5 MR. DOUGLAS: Uh-huh.

6 MR. HARRIS: -- had you seen that?

7 MR. DOUGLAS: I've seen that before, yes.

8 I haven't seen that sticker, but I've seen all that.

9 Q. (By Mr. Harris) Have you shared Exhibit 2 with  
10 either Mr. Falk or Mr. Pinkerton or Mr. Davis or  
11 Mr. Williamson?

12 A. No, sir. I just came across this this week.

13 Q. Okay. You are acquainted with Mr. Falk, are  
14 you not?

15 A. Yes, sir.

16 Q. Are you acquainted with Mr. Pinkerton?

17 A. No. I -- well, I met him this morning.

18 Q. And I take it you've known Mr. Davis for a long  
19 time?

20 A. Forty-four years, I believe to be correct.

21 Q. You haven't gotten to a golden anniversary yet,  
22 have you?

23 A. We'll celebrate that one soon.

24 Q. And the people here from Printing Research,  
25 Incorporated, you know them, don't you?

1 A. Yes, indeed.

2 Q. And, indeed, you worked at Printing Research  
3 for quite some time?

4 A. Yes, sir.

5 Q. And I believe that you have attached a  
6 curriculum vitae to your statement, if I can find it.

7 MR. WILSON: It's attached to this  
8 (indicating).

9 MR. HARRIS: Well -- no. It's on here,  
10 but that's -- here's the one I want.

11 Q. (By Mr. Harris) I'll direct your attention to  
12 Exhibit 1 because I believe your statements there -- and  
13 it's actually --

14 MR. WILSON: It's attached to the --

15 THE WITNESS: Yeah. I have a copy.  
16 Yeah.

17 MR. WILSON: -- the same -- the same  
18 document.

19 Q. (By Mr. Harris) It's actually entitled  
20 Declaration of Steve M. Garner.

21 MR. PINKERTON: That's --

22 Q. (By Mr. Harris) And you have a --

23 MR. PINKERTON: Bill, I'm sorry. That's  
24 Exhibit A. Are you going to use Exhibit A here in this  
25 case as opposed to marking another one?

1 MR. HARRIS: I'd just as soon, as we  
2 agree -- all of us can agree that they're the same --

3 MR. PINKERTON: That's fine.

4 MR. HARRIS: -- to pick one up right now  
5 and mark it Exhibit 3 --

6 MR. PINKERTON: That's okay. Yeah, that's  
7 fine.

8 MR. HARRIS: -- so we don't have the  
9 excess paper.

10 MR. PINKERTON: Okay.

11 (Exhibit 3 marked)

12 Q. (By Mr. Harris) Now, Mr. Garner, your  
13 curriculum vitae is attached to Exhibit 3, is it not?

14 A. (No response.)

15 Q. I'm not sure you called it a curriculum vitae.  
16 I think I was 40 years old before I knew what one of  
17 those was.

18 (Mr. Sweeney entered deposition  
19 proceedings)

20 A. Yeah. I can't pronounce that yet. I just call  
21 it a resume. Yes, it is.

22 Q. (By Mr. Harris) It's a curriculum vitae. Did  
23 you choose the word "curriculum vitae"?

24 A. I think that's -- I don't recall whether I  
25 chose it or whether that's just accepted as -- I've used

1 that word in reference to this particular document  
2 before.

3 Q. In reference to this particular document?

4 A. To my resume. I've called it a curriculum  
5 vitae before. Yes.

6 Q. Okay. And as far as you know, your curriculum  
7 vitae attached is accurate; is that true?

8 A. Yes, indeed.

9 Q. I would like for you to explain one thing to  
10 help me understand the scope of your work. Under the  
11 Sun Graphic Technologies of Fort Worth, Texas portion,  
12 1990 to '94 --

13 A. Yes, sir.

14 Q. -- the very last sentence reads, Three patents  
15 issued for temperature control systems for offset  
16 printing presses.

17 Those are your three patents?

18 A. I'm named on those patents. Yes.

19 Q. They're joint inventions?

20 A. Yes.

21 Q. Do you have any other patents?

22 A. I have one other patent. Yes.

23 Q. And what is it?

24 A. It's for a mechanical drive system for an  
25 oscillating bridge roller on a printing press.

1 Q. When did you -- when did you make that  
2 invention -- in the general sense of the word, when I  
3 say "make."

4 A. It was during this tenure at Sun Graphic  
5 Technologies.

6 Q. Did that patent not issue?

7 A. No. It issued. I got a notification that it  
8 issued.

9 Q. I thought I read there were three that were  
10 issued for a temperature control system. Am I just  
11 confused, or is this last item you described a  
12 temperature control system?

13 A. No. It was -- I didn't note that on there.  
14 There was -- the temperature control system was the more  
15 significant, I think, of the endeavors.

16 Q. You just chose not to list that patent?

17 A. Yeah. It's just a mechanical device that fits  
18 into something that wasn't particularly relevant, in my  
19 opinion.

20 Q. Relevant to what, sir?

21 A. To the information that I was trying to  
22 transmit in this document.

23 Q. Was this document made particularly for this  
24 lawsuit or for the patent office declaration?

25 A. No, sir.

1 Q. You just chose to omit it from your curriculum  
2 vitae for all purposes then?

3 A. That was my choice.

4 Q. Do you not believe mechanical items are  
5 patentable, or can be?

6 A. I think we've got plenty of evidence to support  
7 they certainly are. In my estimation, it had no  
8 commercial relevance at that point.

9 Q. Have you ever worked as an engineer?

10 A. Yes, sir.

11 Q. And have you ever worked as a design engineer?

12 A. No, sir. My profession was manufacturing  
13 engineer. I did some tool design in that, but that  
14 was -- it was a manufacturing engineer.

15 Q. I've -- excuse me just a minute. The education  
16 is a BS in Mechanical Engineering from UT at Arlington,  
17 right?

18 A. Yes, sir.

19 Q. You say a minor in chemistry?

20 A. I changed majors, yes, sir. I decided to  
21 change majors my junior year.

22 Q. You started off in chemistry and then went to  
23 mechanical engineering?

24 A. Yes, sir.

25 Q. Have you ever worked on the drafting board on a

1 regular basis?

2 A. No, sir, not on a regular basis.

3 Q. When at -- well, does -- let me just scrub all  
4 that and start again.

5 Printing Research could be characterized,  
6 I would think, as having a particular type of business  
7 or a niche of business. What is that, sir, if I'm  
8 correct?

9 MR. PINKERTON: Object to the leading form  
10 of the question.

11 MR. HARRIS: To what form?

12 MR. PINKERTON: Objection. Leading.

13 MR. HARRIS: Let me kill that question.

14 Q. (By Mr. Harris) What does Printing Research  
15 do?

16 A. Printing Research produces accessories and  
17 auxiliary equipment for the graphic arts industry,  
18 specifically for sheet-fed presses.

19 Q. They develop equipment, in part, don't they?

20 MR. PINKERTON: Objection. Leading.

21 A. Yes, indeed they do.

22 Q. (By Mr. Harris) Are they a printer?

23 MR. PINKERTON: Objection. Leading.

24 A. No, sir.

25 Q. (By Mr. Harris) What is Williamson, the



1 Defendant in this action --

2 MR. PINKERTON: Object to --

3 Q. (By Mr. Harris) -- the company?

4 MR. PINKERTON: Object to the form. I  
5 assume you're asking what business are they in?

6 MR. HARRIS: Uh-huh.

7 MR. PINKERTON: Okay.

8 MR. HARRIS: I hope that cleared it for  
9 me.

10 A. To the best of my knowledge, they're a  
11 commercial printer, but they do other things too.

12 Q. (By Mr. Harris) Do you regard them as -- do  
13 you or don't you regard them as being a research and  
14 development company?

15 MR. PINKERTON: Object to form.

16 A. Not specifically. In the course of their  
17 business, they do innovative things in order to remain  
18 competitive, which I'm not, in particular -- know the  
19 specifics of. But in order for them to maintain a  
20 position in the industry, they would certainly have to  
21 do some innovation. You can call it research. You can  
22 call it what you like.

23 Q. (By Mr. Harris) Do you mean in the course of  
24 their printing business?

25 A. Yes.

1 Q. Do you regard Printing Research, Incorporated,  
2 and Williamson as being in the same business?

3 A. Not specifically, no, sir.

4 Q. While you were at Printing Research, did you  
5 submit anything for patent application?

6 A. No, sir.

7 Q. Or for consideration for patent application?

8 A. No, sir.

9 Q. Was that within the scope of your job?

10 A. I suppose, if I came up with something, Howard  
11 would have considered it; but it wasn't something that I  
12 focused my business on.

13 Q. In the course of your work, have you had  
14 occasion to read a significant number of patents? I  
15 realize "significant" is a rather vague word, but if you  
16 want me to try to clarify it, I will.

17 A. From my perspective, "significant" means a  
18 large number, dozens or hundreds. I certainly was not  
19 involved in it. I had occasions, from time to time, to  
20 be invited in to read portions of several patent  
21 applications. I couldn't enumerate exactly, but  
22 certainly not -- not what you would probably consider  
23 significant.

24 Q. Those were applications?

25 A. Yes, sir.

1 Q. Did that occur at Printing Research?

2 A. Yes, sir.

3 Q. Did it all occur at Printing Research?

4 A. I reviewed some while I was at Sun and some  
5 while I was at Epic Products; but the more involved was  
6 at Printing Research, I would say -- and, again, not  
7 significant, but I was involved with some of those  
8 discussions.

9 Q. I missed the last of what --

10 A. I was involved in discussing some aspects of  
11 some of the patents that Howard was working on. Yes.

12 Q. Do you believe Mr. DeMoore has a lot of  
13 patents?

14 A. Yes, sir. I walked through the lobby every day  
15 for six years, and they're on the wall from one end of  
16 the wall to the other. So I think that's a fair  
17 statement.

18 Q. And I gather that's a pretty long wall, then,  
19 huh?

20 A. It's very impressive. Yes, it's a long wall.

21 Q. Would you consider him an inventor?

22 A. In the truest sense of the word, yes, I would.

23 Q. And would you consider him capable of  
24 inventing?

25 A. Yes, indeed.

1 Q. Have you ever been involved in any disputes  
2 about inventorship prior, at least, to this?

3 A. No, I can't say that I've really been  
4 involved. I've had a couple of questions asked me about  
5 some things in the past, but it was not in a formal  
6 arraignment, so to speak.

7 Q. Have you previously encountered the term  
8 "conception" in connection with inventing?

9 A. Yeah, loosely, I would say. Yes. I'm not -- I  
10 don't know what the definition is specifically.

11 Q. Are you saying you're not able to say what a  
12 conception is?

13 MR. PINKERTON: Objection as to form, if  
14 you're talking about from a legal standpoint or just  
15 what his definition of conception is.

16 MR. HARRIS: Man, I mean what the question  
17 says.

18 MR. PINKERTON: Okay. Object as to form  
19 of the question.

20 A. I think that's very subjective. I don't know  
21 what -- what defines a concept and where the line is  
22 drawn. I don't know that anybody else truly does, but I  
23 certainly don't.

24 Q. (By Mr. Harris) And turning to a legal point,  
25 is it fair to say that you do or don't have knowledge

1 about what the legal definition is?

2 A. I have absolutely no knowledge of what the  
3 legal definition is of concept.

4 Q. And in connection with inventions, or any  
5 invention, are you familiar with the term "reduction to  
6 practice"?

7 A. I think I understand in my own mind what that  
8 means, but I'm not sure that it would qualify as a legal  
9 definition either.

10 Q. I'd like to hear your personal definition  
11 without any concern about what the legal one might be.

12 A. If you can demonstrate it physically, if that's  
13 what the nature of the invention is, and that it could  
14 be turned into something that I would feel like would be  
15 commercially viable, I would say that's reduction to  
16 practice.

17 I don't think you have to be in commercial  
18 production, but I think that you have to be able to  
19 demonstrate that it's capable of that. That's my  
20 impression.

21 Q. And if I ask you what the legal definition was,  
22 could you say anything different?

23 A. I would have no idea what the legal definition  
24 is. That's my interpretation of my opinion on it.

25 Q. When did you first hear the term "simulated

1 reduction to practice"?

2 A. I don't recall specifically. It's -- I know  
3 what that means, but I don't know when I particularly  
4 heard that particular term or those -- those words.

5 Q. Well, help me out. Based on what you've  
6 already said reduction to practice -- or whatever you  
7 want to base it on -- tell me what a simulated reduction  
8 to practice is.

9 A. Well, I think if you are going to demonstrate a  
10 process, you may have to take multiple steps to  
11 demonstrate the process before you actually produce the  
12 process as a final result. I would consider the initial  
13 stages simulated. Maybe I'm wrong, but that's what I  
14 would consider.

15 Q. Did you and Mr. Falk discuss the term?

16 A. This declaration was -- I gave in Mr. Falk's  
17 presence and we discussed it.

18 Q. You discussed the term --

19 A. Well, I read it and signed it, so I assume --  
20 yeah, yes, we discussed it.

21 Q. I believe it's typed, is it not -- or printed,  
22 if you will?

23 A. Yeah. It's -- the image is on the paper by  
24 some means.

25 Q. Right. It isn't flexographic, is it?

1 A. I couldn't speculate on that.

2 Q. I bet you could.

3 And the putting it on the paper by  
4 whatever means, that was done through Mr. Falk, was it  
5 not?

6 A. Yes, sir.

7 Q. And did you write out a pencil draft first?

8 A. There were some pencil drafts. I didn't write  
9 one complete and then have it typed word for word, but  
10 there was some pencils and corrections and --

11 Q. I understand you've adopted it. Okay. But I  
12 want to know, did Mr. Falk make some contributions or  
13 suggestions?

14 A. It was a joint effort. I mean, he was asking  
15 questions, much as you are, and writing down some of the  
16 answers. So I think that he participated in the process  
17 in that respect.

18 Q. Did he make any suggestions?

19 A. I don't know that he made any particular  
20 suggestions. He asked questions and I answered them,  
21 and he produced this as a result of that.

22 Q. Would he ask a question like the following:  
23 Would you have any objection, sir, if we use the word  
24 "simulated" to describe that?

25 A. Whether that came up in the discussion, I can't

1 recall.

2 Q. There was some discussion about -- there was  
3 some discussion about terminology and the meaning of  
4 various things, was there not?

5 MR. PINKERTON: Objection. Leading.

6 Q. (By Mr. Harris) Was there not?

7 MR. PINKERTON: Objection. Leading, form  
8 of the question.

9 A. I'm not sure I understand what you're --  
10 exactly what you're asking, Bill. Rephrase it again  
11 or --

12 Q. (By Mr. Harris) Didn't you and Mr. Falk  
13 discuss the best word to use sometimes to describe a  
14 certain thing?

15 A. Well, I think that would be the intelligent  
16 thing to do. Yes, sir. I wouldn't want to use the  
17 wrong word, would I? I mean, we discussed the best way  
18 to answer a question.

19 (Discussion between Mr. Harris and  
20 Mr. Wilson out of hearing of reporter)

21 MR. HARRIS: Excuse me just a minute  
22 more.

23 MR. PINKERTON: Sure.

24 Q. (By Mr. Harris) Do you recall -- and by the  
25 way, I may -- I may say I think I perhaps misspoke on



1 one of my questions about simulated reduction to  
2 practice. I'll double-check it in a minute, but I'll  
3 ask you: Do you recall using the term "simulated"?

4 A. At what point? At what time?

5 Q. Well, in your declaration. I'm sorry.

6 Exhibit 3.

7 A. I recall that that was the term that was  
8 selected to describe a series of steps that were done  
9 prior to actual -- before the process could actually be  
10 demonstrated. And "simulated" seemed to be a choice of  
11 words that described that. There could have been  
12 others, but that described -- described it adequately, I  
13 think.

14 Q. Does the phrase "Rendleman Coater" mean  
15 anything to you?

16 A. Yeah, broadly speaking it does. Yes, sir.

17 Q. What, sir?

18 A. Well, Ron Rendleman was responsible for the  
19 design of the apparatus that was placed on the  
20 Williamson press. And at one point before it had an  
21 official name, I think it was described as a Rendleman  
22 Coater, to the best of my recollection.

23 Q. Did you use that terminology?

24 A. I didn't come up with the terminology. I was  
25 familiar with the terminology.

1 Q. Did you use it at the time while you were with  
2 Printing Research?

3 A. I don't recall specifically using the term in  
4 any conversations, but I was aware that that was what it  
5 was generically termed as.

6 Q. Did you think it included a whole family of  
7 coaters or one specific coater that was included?

8 MR. PINKERTON: Object to the form of the  
9 question, and object on the basis of leading.

10 A. My only knowledge of it was related to the  
11 coater that Ron was designing for the Williamson press.  
12 There were other coaters in our company, and they  
13 weren't called Rendleman Coaters. So I think it's  
14 specific, in my opinion.

15 Q. (By Mr. Harris) Printing Research was not in a  
16 position to fully try out the coater in its own plant,  
17 was it?

18 MR. PINKERTON: I assume you're talking  
19 about the Rendleman Coater here, Bill?

20 MR. HARRIS: Yes.

21 A. Well, certainly they could demonstrate the  
22 function of the coater in their own plant. They had  
23 one, and later two, on their own press.

24 Q. (By Mr. Harris) They could not do what's been  
25 called, by some, lithoflex process in-line, could they?

1 A. No, sir.

2 Q. They had to go somewhere else to do it if they  
3 wanted to do that, didn't they?

4 A. Correct. Yes.

5 Q. And in this particular city, I'm -- I'm curious  
6 who has the most comprehensive set of presses.

7 MR. PINKERTON: Object to the form of the  
8 question. It's vague and ambiguous.

9 A. There's so many different types of presses and  
10 so many different types of printers, that to be  
11 specific -- if you're talking about commercial printers,  
12 that's one thing.

13 Q. (By Mr. Harris) I'm talking about multicolor-  
14 printers with a number of stations.

15 A. In terms of -- Williamson is the largest  
16 commercial printer, I think -- not only in Dallas, but  
17 maybe in Texas. I'm not sure. I may be wrong, but  
18 certainly that's a -- that's a category they would fit  
19 in.

20 Q. One living locally and working locally and  
21 wanting to test the device of the nature of the  
22 Rendleman Coater for the purpose it ultimately was used  
23 for, where do you think they would be wise to go?

24 A. You would like to pick a high profile, very  
25 visible client if you --

1 Q. And who would be the best pick in Dallas?

2 A. That's subjective.

3 Q. Well --

4 A. I would have no problem working with Williamson  
5 on a project of any kind. They're -- they seem to be a  
6 very visible, very prominent organization. And if you  
7 can associate yourself with that positively, I think  
8 there's some assets to that.

9 MR. HARRIS: Let's take a break.

10 MR. PINKERTON: Okay.

11 THE VIDEOGRAPHER: Going off the video  
12 record at 10:39 a.m., Tape 1.

13 (Recess taken)

14 THE VIDEOGRAPHER: Back on the video  
15 record at 10:57 a.m., Tape 1.

16 Q. (By Mr. Harris) Mr. Garner, are you familiar  
17 with the so-called Rexham test?

18 A. Yes, sir. One aspect of it, at any rate.

19 Q. Would you explain what that aspect is.

20 MR. PINKERTON: I want to object to  
21 the --

22 Q. (By Mr. Harris) R-e-x-a-m (sic). It's the  
23 Rexham test.

24 MR. PINKERTON: Excuse me.

25 MR. HARRIS: Yeah.

1 MR. PINKERTON: I just want to object to  
2 the form of the question because there's nothing on the  
3 record about what test we're talking about. A Rexham  
4 test --

5 MR. HARRIS: There's going to be.

6 MR. PINKERTON: Okay. I'll just object to  
7 the form at this time.

8 A. Yes, sir. I was familiar with some aspects --  
9 not the total testing program, but some aspects of it.  
10 Yes, sir.

11 Q. (By Mr. Harris) Would you describe your  
12 familiarity and tell us what it was -- the test was.

13 A. The particular test that I had some familiarity  
14 with was the application of a metallic gold pigment to  
15 a -- to a carton board, and it was applied through the  
16 anilox coater that we had at Printing Research at that  
17 time.

18 Q. Was that an unusual thing to do?

19 MR. PINKERTON: Objection to form.

20 Q. (By Mr. Harris) What you just described, is  
21 that an unusual thing to do?

22 A. No, sir.

23 MR. PINKERTON: Same objection, for the  
24 record.

25 Q. (By Mr. Harris) Sorry. No --

1 A. No. That -- applying metallic gold pigments  
2 with anilox was not an unusual process. No, sir.

3 Q. And anilox rollers, in general, are used for  
4 other purposes, however, aren't they?

5 A. Yes, sir.

6 Q. Would you explain.

7 A. They're used -- excuse me -- primarily on  
8 presses here in the United States to -- on what's called  
9 flexible packaging: things like snack foods, candy  
10 wrappers, something as mundane as grocery sacks. And  
11 the flexo process is used across a broad range of  
12 packaging, and it's a popular process for that.

13 Q. And lithography is not combined with it in  
14 those cases, is it?

15 A. In some cases it is.

16 Q. How is that done?

17 A. There's a company that produces a web press  
18 that's a continuous -- it's not -- it's not individual  
19 sheets -- that has a combined litho-flexo process. Many  
20 small nonperfecting type presses -- that's presses that  
21 just print on one side of the paper that -- or on one  
22 side of plastic -- use a combined process, all web-fed,  
23 to my knowledge.

24 Q. How does the -- how is the process run?

25 A. I'm not really an expert in all of the

1 finishing processes that go on on some of these, but  
2 there are operations that occur on these machines where  
3 you print, you coat, you perforate, you do many  
4 operations. And flexo can be one aspect of this in  
5 combination with other processes.

6 MR. HARRIS: Off the record just a  
7 second.

8 (Discussion off the record)

9 Q. (By Mr. Harris) Do these processes work on an  
10 in-line basis with a flexographic -- with a flexographic  
11 step first being taken and then lithography taken  
12 thereafter?

13 A. It can be. It depends on the process that  
14 they're trying to achieve.

15 Q. Would you tell me where that's done.

16 A. I can tell you the name of a company that makes  
17 a machine like that. I don't know where -- and I know  
18 they have some sold, but I don't know -- I have not been  
19 in the actual presence of it. But the company,  
20 RDP Marathon, in Canada produces a machine where you can  
21 put a flexo station at any point.

22 It's an interchangeable unit that can go  
23 at any point in a -- in the press, and you can  
24 interchange with litho or flexo at that point. You can  
25 choose where you want to do this.

1 Q. Is that distinguishable from the process that  
2 Williamson runs at such times as it uses the Rendleman  
3 Coater and applies a flex step followed by lithography  
4 steps in line?

5 A. I really -- as I say, I've never seen them  
6 actually do this. But if you were to put the flexo  
7 station at the first of the unit and put flexo down and  
8 then litho after it, it would be -- to my understanding,  
9 that would be somewhat similar to the process.

10 Q. Do you know if they have publications about  
11 their process?

12 A. Well, they -- they exhibit at trade shows their  
13 machinery, so -- but I -- as I say, that's not something  
14 I'm specifically familiar with. I've just -- I've read  
15 it in the -- you know, in some of the literature about  
16 this.

17 Q. How recently, sir?

18 A. Well, this year they had an advertisement in  
19 some of the magazines. I'm not sure -- Converting or  
20 one of the magazines.

21 Q. How about the summer of 1995? Had you read  
22 anything or heard anything about such an item then?

23 A. No, sir, I hadn't specifically.

24 Q. You don't know whether such a thing existed  
25 then?



1 A. I know now, but I didn't know then.

2 Q. Do you know now that it existed then?

3 A. To my knowledge, they had that process  
4 somewhere in that time frame, but I don't know  
5 specifically. As I say, that wasn't something that I  
6 was following particularly. It was a web -- it was a  
7 web set -- an offset operation.

8 Q. Did you discuss this with Mr. Falk, this  
9 subject?

10 A. I don't know that that came up.

11 Q. Where these --

12 MR. PINKERTON: Did you discuss it with  
13 Mr. Harris?

14 THE WITNESS: Mr. Harris should have in  
15 his possession a brochure from that company.

16 MR. PINKERTON: Okay. What's that  
17 brochure?

18 MR. HARRIS: I'd like to know too.

19 MR. PINKERTON: Can we break and get that  
20 brochure?

21 THE WITNESS: I placed that brochure in an  
22 envelope probably two years ago, along with some other  
23 documentation that I forwarded over while under Howard's  
24 direction. I was trying to find things to support  
25 Printing Research's position. And that brochure should

1 be in your possession. It's somewhere.

2 Q. (By Mr. Harris) Well, I have no comment on  
3 it. I don't have it.

4 A. Well, I don't have it either because I sent it  
5 to you --

6 MR. PINKERTON: We would like --

7 A. -- or to your company.

8 MR. HARRIS: Apparently, you don't have it  
9 either?

10 MR. PINKERTON: We sure don't have it, and  
11 we sure would like to have that produced.

12 MR. HARRIS: Well, so would -- probably so  
13 would the commissioner of patents.

14 MR. PINKERTON: I don't know if he would  
15 or not, but that's something we need to investigate.

16 THE WITNESS: They've probably got a  
17 Web site.

18 Q. (By Mr. Harris) When Mr. Falk got this  
19 declaration from you, did he ask you about the prior  
20 art?

21 A. I'm not sure I really understand specifically.  
22 He asked what Printing Research had done in this  
23 respect, and if that constitutes prior art -- I really  
24 don't really understand exactly what --

25 Q. Did he ask you, What have others done in this

1 area?

2 A. It probably came up in the discussion that this  
3 was -- that flexo and litho, as a combined process, was  
4 being done by other people. I don't recall specifically  
5 if I mentioned Marathon, but Heidelberg was doing it,  
6 and MAN Roland was doing it. Many people were doing it  
7 on sheet-fed presses. And many people were doing  
8 combined processes on offset presses, web presses. And,  
9 you know, to sit down and specifically list all of  
10 those -- to the best of my knowledge, we didn't do that  
11 because I don't --

12 Q. Did you list --

13 A. -- I don't --

14 Q. Did you list some of them?

15 MR. PINKERTON: He's asking you  
16 specifically a conversation that you had with  
17 Mr. Falk --

18 MR. HARRIS: That's correct.

19 MR. PINKERTON: -- whether or not that was  
20 specifically discussed.

21 A. I don't recall discussing the RDP Marathon  
22 press specifically. I don't recall that. We were  
23 talking about -- as we have several times in your  
24 presence -- the combined process of flexo and litho was  
25 not new, but doing it in line with the flexo process

1 first appeared to be something unique -- and sheet fed.

2 Q. (By Mr. Harris) Well, let me tell you, sir, my  
3 question contained the flexo step first. And if we've  
4 gone through all of this, then we've wasted a little  
5 time. Would you like to hear the question read back  
6 or --

7 A. Yes.

8 Q. -- or we can just go ahead and say it again  
9 since so many words have been said. What it boiled down  
10 to is -- I thought I got around to, and I believe  
11 everybody else thinks I got around to -- asking if you  
12 had seen a flexographic step taken, followed by  
13 lithography, all done in line in a single pass.

14 A. And my statement was: Was it to the effect as  
15 to what time frame? And then -- then I believe I  
16 mentioned that there is a press that has a capability to  
17 do that, but I have not personally been exposed to it or  
18 demonstrated it.

19 Q. Well, sir, how is that different from what you  
20 just said just a few moments ago as being a  
21 distinguishing factor?

22 A. Again, I didn't follow that, Bill. I'm sorry.

23 Q. There isn't any distinguishing factor, is  
24 there, from what you say?

25 MR. PINKERTON: Objection. Leading.

1 A. I'm missing the point there some. I'm sorry.

2 Q. (By Mr. Harris) Well, maybe I'm missing it.  
3 Let's try again.

4 Consider the process that you have seen  
5 run at Williamson with a Rendleman Coater up front and  
6 lithographic printing taking place after that. Consider  
7 that in one pass in line you lay down the flex and then  
8 the lithographic printing. Are you with me?

9 A. Yes, sir.

10 Q. I'm asking you: Have you seen that process  
11 previously, or have you heard of it previously, or do  
12 you know anything about it other than through PRI, its  
13 own work, and Williamson's work?

14 A. The only thing that I can say to that is that  
15 there are presses that are capable of doing that, and  
16 have been, that are combined litho-flexo presses in the  
17 web industry, but I'm not knowledgeable enough to -- and  
18 I've certainly not seen them do this, but I know that  
19 they have the capability to do that. And I don't know  
20 that they've even done it to this day, but they  
21 certainly have the capability of interchanging flexo and  
22 litho stations. And that's been around for a while.

23 Q. Do you have any brochures, or can you direct us  
24 to any, or books or periodicals or any information  
25 whatsoever that would further describe this subject

1 matter?

2 A. To be repetitive, I gave you a brochure on  
3 this -- or gave your company a brochure on this  
4 particular company, RDP Marathon, from Canada. And they  
5 still exist. So if somebody wants to look into that,  
6 that's -- they can take the initiative to do that, if  
7 they desire.

8 Q. Does the publication or brochure show how this  
9 could be done in the manner that I described previously  
10 with there being flexography with lithography following  
11 in line, one pass?

12 A. I don't know that they specifically give the  
13 orientation of the printing. They -- to my  
14 recollection, they state that these stations are  
15 interchangeable. Now, what the sequence is, I don't  
16 recall that they stated it. That would be up to  
17 probably whoever was using the press.

18 Q. Do you know where one of the presses is located  
19 in the United States?

20 A. I know there is one in the United States, but I  
21 don't know where it's located. It was in this  
22 publication that was earlier this year --

23 Q. What city is this company located in?

24 A. They're in the French section of Quebec. It's  
25 not Montreal. It's not Montreal specifically; not

1 Quebec, city. It's in Quebec somewhere.

2 Q. Do you think you have given us the full name of  
3 the company --

4 A. RDP --

5 Q. (By Mr. Harris) -- if we'd want to follow up  
6 on it?

7 A. RDP Marathon. Yes, sir, to my recollection.  
8 Now, they may have some other things on there, but  
9 that's -- that's the --

10 Q. We were talking some time back about the Rexham  
11 test. Do you recall?

12 A. Yes, sir.

13 Q. And who was Rexham?

14 A. Rexham is -- they're not called Rexham  
15 anymore. I don't know what their name is anymore, but  
16 at that time Rexham was one of the large converting  
17 companies. And a converting company can do printing and  
18 other processes.

19 They were involved in all manner of  
20 packaging, sheet-fed packaging being one of them. And  
21 we were doing some testing for adaptation for our  
22 equipment to a sheet-fed press.

23 Rexham had many plants. So this  
24 particular one in North Carolina we were associated  
25 with.

1 Q. And perhaps there will be some repetition, but  
2 we had that other matter that came up, so I apologize  
3 for it. But I need to ask: And what was the test?

4 A. Rexham had a press, six-color as I recall, with  
5 a coater at the end of the press. And they were  
6 interested in applying metallics, and that coater wasn't  
7 configured to do that. And they asked us if we could  
8 run some tests with our anilox to see -- test the  
9 feasibility of converting that coater to an anilox  
10 coater so they could apply these gold -- gold metallic  
11 figures. And that was what we were testing.

12 Q. Was that done?

13 A. Yes, sir.

14 Q. Did you witness the test?

15 A. I witnessed the part with the gold. Yes.

16 Q. Did it work?

17 A. Yes, sir.

18 Q. What was done with the product?

19 A. I'm sorry?

20 Q. The product of the test, the printed material.

21 A. The printed material?

22 Q. What was done with it?

23 A. Some samples were left at Printing Research.  
24 Some samples were sent back to Rexham for whatever  
25 purposes they were going to use. And one sample John



1 Bird and me showed to the Williamson people -- to Jesse  
2 Williamson.

3 Q. Uh-huh. Now, at that time it didn't have a  
4 lithographic step applied to it, did it?

5 A. No.

6 MR. PINKERTON: Counsel, I'd like to  
7 object to that question as to the time. We don't know  
8 what time this took place.

9 MR. HARRIS: Yeah.

10 Q. (By Mr. Harris) He's asking the questions.  
11 He's asking you when did it take place.

12 A. Well, I thought you were alluding to  
13 Paragraph 5 here. In October of 1994 PRI ran tests for  
14 Rexham. Is that correct?

15 Q. Uh-huh.

16 A. That was the time frame.

17 Q. And why did -- can you tell me -- let me see if  
18 I can put this a little bit different.

19 Can you describe what reaction, if any,  
20 that Mr. Williamson had to the product? And I mean the  
21 printed product with gold on it.

22 A. He seemed to react favorably to it.

23 Q. Do you recall any statements he made at the  
24 time that related to taking such a project forward or  
25 doing anything in that area?

1 MR. PINKERTON: Objection to the form of  
2 the question. Objection. Leading.

3 A. Not at that particular time. No, sir.

4 Q. (By Mr. Harris) Were you with someone else?

5 A. I was with John Bird. Yes, sir.

6 Q. And was someone else with Mr. Williamson?

7 A. Not that I recollect at that --

8 Q. Was that Mr. Jesse Williamson?

9 A. Jesse.

10 Q. What did Rexham -- how did Rexham react, if you  
11 can recall?

12 MR. PINKERTON: Objection. Form.

13 A. To the results of the test? Is that what  
14 you're alluding to?

15 Q. (By Mr. Harris) Yes, it is.

16 MR. HARRIS: I didn't mean to be leading,  
17 however.

18 MR. PINKERTON: I didn't object on that  
19 basis.

20 A. They reacted favorably.

21 Q. (By Mr. Harris) Was there any follow-up of any  
22 kind?

23 A. Yes, sir. They gave us a purchase order to  
24 convert the tower coater to anilox.

25 Q. Did they indicate to you why they wanted to do

1 that?

2 A. Among other things, they were looking to put  
3 these metallic images on cigarette cartons at that time,  
4 as I recall. And, you know, that was -- they may have  
5 had other reasons, but that was one of the specific  
6 things they were looking at.

7 Q. Did they send back any samples or examples of  
8 what had been done with your work?

9 A. I never saw any.

10 Q. You didn't see any?

11 A. No, sir.

12 Q. Did you hear anything about them?

13 A. I didn't specifically.

14 Q. Do you know if they planned to run or ran  
15 lithographic steps after the flexographic run?

16 A. They were going to overprint these. Some of  
17 them may have been preprinted. Some of them may have  
18 been printed on the second pass. They weren't going  
19 to -- they may have done some in-line. I don't know. I  
20 mean --

21 Q. Well, I'm not so concerned about the in-line;  
22 but if they did any, I'd like to know about it. On the  
23 other hand, if they did it two-pass, I'd like to know  
24 about that too.

25 A. I couldn't comment specifically on what they

1 did with them when they came back. We -- we put the  
2 gold on.

3 Q. I understand. But you had an expectation, I  
4 believe from what you said, what they were going to do  
5 with it?

6 MR. PINKERTON: Objection as to form.

7 Q. (By Mr. Harris) Is that true?

8 MR. PINKERTON: That calls for  
9 speculation.

10 A. Yeah. I really don't --

11 Q. (By Mr. Harris) I thought you said something  
12 about cigarette cartons.

13 A. Well, they were going to put gold on cigarette  
14 cartons. I don't know whether they were going to put it  
15 on first or last though. The press -- the coater was at  
16 the end of the press. So, you know, you can make an  
17 assumption, if you wish, as to when --

18 Q. What assumption would you make?

19 MR. PINKERTON: Objection as to form.  
20 Calls for speculation.

21 A. Paper enters the press at one end, and it goes  
22 to the other and covers --

23 Q. (By Mr. Harris) That sounds logical.

24 A. Well, I mean, we're getting -- getting down to  
25 some basics here. The paper goes through subsequent

1 stations before it gets to the coater. What they do  
2 with it on those other stations I have no way to  
3 verify. I wasn't there.

4 Q. Isn't it possible to do nothing at the other  
5 stations?

6 A. Absolutely.

7 Q. And then go through the coater?

8 A. Yes, sir.

9 Q. And then go back through and apply --

10 A. Yes, indeed.

11 Q. And isn't that what you were talking about when  
12 you considered such things as simulation?

13 A. That would be one simulation.

14 Q. Sir, you've been in the business a long time.  
15 Do you have an opinion what Rexham did?

16 MR. PINKERTON: I'm going to object on the  
17 basis of lack of foundation and asking for speculation.  
18 He doesn't know what Rexham did, based on his  
19 testimony.

20 MR. HARRIS: I don't know if the Gulf of  
21 Mexico is still there, but I assume it is.

22 MR. PINKERTON: We're not asking for his  
23 assumptions, Mr. Harris. We're asking for facts. And  
24 if he doesn't know, there's no reason to fog the record  
25 with speculation about what might have happened. We'll

1 obviously have to ask Rexham what they did.

2 Q. (By Mr. Harris) You are looking to  
3 Mr. Pinkerton for legal help today?

4 A. I met Mr. Pinkerton this morning for the first  
5 time. I certainly am not looking to him for anything.  
6 I assume he has the right to ask some questions or to  
7 make some comments.

8 Q. You just did some assuming, sir.

9 A. Well, I think you used the word "assuming" a  
10 few minutes ago about relative to the Gulf of Mexico.

11 Q. That's right. And I was asking you to give me  
12 an opinion, not an assumption, on what was done or to be  
13 done at Rexham.

14 MR. PINKERTON: It's not an opinion.  
15 It's -- it's just total speculation.

16 A. I don't know the difference between an opinion  
17 and speculation. I don't know what Rexham did with  
18 them. I know what we did in our test in Printing  
19 Research. And I know what they had told us they would  
20 like to do with them, but that doesn't --

21 Q. (By Mr. Harris) Well, now, wait a minute.  
22 What did they tell you they would like to do with them?

23 A. They wanted to put gold, metallic gold, borders  
24 on cigarette cartons.

25 Q. And that's all they told you?

1 A. Relative to the gold, that's all that I recall  
2 them telling me.

3 Q. Relative to anything else that you can  
4 remember?

5 A. We -- we did some other tests with them too,  
6 but I wasn't in the presence when we did the  
7 pearlescence and some of the other tests that we did.  
8 So I -- gold wasn't the only test that they were running  
9 there during that period of time. The gold was the one  
10 that I had some particular interest in myself.

11 Q. Do you have some knowledge about these that you  
12 weren't so involved in, these tests that you weren't so  
13 involved in?

14 A. I -- not specific knowledge, no.

15 Q. Is the extent of your knowledge just that  
16 something else was done and you don't know what?

17 A. Yeah. I think that's a fair statement. I  
18 wasn't the one running the tests. I was involved in  
19 some aspects of observing the tests, but I was not there  
20 when they were all ran. They sent several different  
21 types of chemistry to be tested, gold being one of them.

22 Q. How long did you -- looking at your curriculum  
23 vitae -- how long did you work with PRI, as you call it?

24 A. Six years, essentially. April of '94 to the  
25 end of March of this year.

1 Q. I see PRI here in capitals. Is -- is that the  
2 name of the company?

3 THE WITNESS: Have you not changed the  
4 name of the company logo now to PRI?

5 A. I think that's what --

6 Q. (By Mr. Harris) Is that -- is that something  
7 different than it used to be?

8 A. I think the marketing people had made a  
9 distinction between Printing Research spelled out and  
10 PRI, but the initials stand for the same thing.

11 Q. I understand that, sir, but that's not my  
12 question. My question is: Three years ago -- I'll make  
13 a specific one -- was the term PRI used to identify the  
14 company?

15 A. Informally, yes.

16 Q. Informally how?

17 A. Well, it wasn't part of the marketing program  
18 at that time, as I recall. But, you know, instead of --  
19 we just abbreviated it in some of our statements and  
20 discussions. It wasn't on a brochure like that, I don't  
21 think.

22 Q. Right.

23 A. But it is now, to my recollection.

24 Q. But then, you're telling me, it wasn't on  
25 printed material and so on that went out to the public?



1 A. No, sir, I don't think that it was.

2 Q. What is rack-back blanket plate coater  
3 technology?

4 A. A crude description to try to show how  
5 something is not intuitive, to describe how it -- how it  
6 operates mechanically. The choice of words on that  
7 is -- rack-back is one of the terms that's used to  
8 describe the way a coater or a piece of auxiliary  
9 equipment moves out of position and into position  
10 relative to whatever its task is.

11 It comes back. Sometimes it's on a rack  
12 and pinion sometimes. So rack-back is a term that's  
13 sometimes used to say how it's -- you know, how it  
14 mechanically moves in and out of position.

15 Q. What is a linear rack-back coater?

16 A. That's one that comes on the slide in a linear  
17 fashion, either horizontal or some angular --

18 Q. And that was old technology --

19 A. That was the --

20 Q. -- in 1994?

21 A. That was the existing technology for applying  
22 an aftermarket coater to a litho press because it had to  
23 be brought in and out of position through, typically, a  
24 rack-back on a linear -- on a linear slide. These were  
25 all located at the end of the press at that time.

1 Q. You've indicated that John Bird, in the fall  
2 of '94, came to you indicating WPC wanted us to go with  
3 the flexographic rack-back device up front in one or  
4 more of the forthcoming Heidelberg presses. Do you  
5 recall that?

6 A. I recall that John was where I first became  
7 aware that Williamson was interested in this.

8 Q. Did he draw any sketches for you at the time  
9 that he told you this?

10 A. No, sir. I don't recall anything sketched at  
11 that point.

12 Q. Did he indicate how such a flexographic  
13 rack-back device might be made and installed in a  
14 workable fashion?

15 A. John didn't describe the equipment to me.  
16 Only -- he just said that this was something that was  
17 being considered.

18 Q. Did you, at that point when he told you that,  
19 in your mind's eye, see how to do it?

20 A. I saw that it was possible to do, but I  
21 certainly didn't have any -- anything in my mind how  
22 to -- how to actually do it; but I say, well, yeah,  
23 that -- that sounds doable, or something to that effect.

24 Q. Do you know what -- what Rendleman, Ron  
25 Rendleman, was working on at the time that this

1 discussion was held between you and John Bird in 1994?

2 A. No, sir.

3 Q. Could it have been most anything in the  
4 printing area?

5 MR. PINKERTON: Object to form. Calls for  
6 speculation.

7 A. I don't know. Ron didn't work for me, so I  
8 don't know what he was working on at that point.

9 Q. (By Mr. Harris) All right. It says on your  
10 Paragraph 4 of Exhibit 3, Bird did not tell me who the  
11 inventors were of the process, whether they were  
12 employees of WPC or PRI employees.

13 Do you still remember it that way?

14 A. Yeah. John didn't say anything to me relative  
15 to where the idea came from, as I recall.

16 Q. It says, "the inventors of the process." Would  
17 you tell me what the process was. Look at Paragraph 4.  
18 I don't see a process mentioned, so I'd like for you to  
19 tell me what the process was.

20 A. Looking at the WIMS process, I was alluding to  
21 that process specifically. At that point --

22 Q. Were you familiar with the WIMS process in 1994  
23 at that point?

24 A. At some point I became aware of it; but at  
25 that -- at that particular time, I don't recall being

1 aware of the --

2 Q. All right. Let's --

3 A. -- WIMS because it wasn't -- we were -- we were  
4 putting some dryers on their presses at that point. But  
5 somebody was aware of it, but I wasn't.

6 Q. Somebody was aware of the WIMS process?

7 A. Yes.

8 Q. All right. Now, by the WIMS process, you're  
9 talking about their patented color separation process or  
10 whatever it is?

11 A. Integrating metallics into the process, yes, of  
12 litho.

13 Q. So at that time, if you weren't aware of it,  
14 could you tell me what you meant by Bird did not tell me  
15 who the inventors were of the process?

16 A. He didn't tell me who gave him the idea to put  
17 flexo down first, and that's the process that I'm  
18 alluding to there. At that point maybe "process" was  
19 the wrong word, but that's the only way I knew to  
20 describe it, was the process.

21 Q. Did Bird ever tell you that he didn't believe  
22 processes were patentable?

23 A. I don't recall that he ever made a statement  
24 regarding that one way or the other.

25 Q. Did Baker ever tell you that?

1 A. Certainly not.

2 Q. Would you agree with me that if you have an  
3 appropriate device up front, one that's workable, then  
4 the process becomes relatively straightforward?

5 MR. PINKERTON: Object to the form of the  
6 question. And object to leading. Vague and ambiguous.

7 MR. HARRIS: It's a technical subject. I  
8 have to ask it that way.

9 (Mr. Wilson left deposition proceedings)

10 A. If a piece of equipment existed that would  
11 allow this to work?

12 Q. (By Mr. Harris) Yes.

13 A. Would it -- again now.

14 Q. Would it not be evident and fall into place,  
15 the so-called process?

16 (Mr. Wilson entered deposition  
17 proceedings)

18 MR. PINKERTON: Objection. I'm going to  
19 object to the -- to the form of the question. Object as  
20 vague and ambiguous, asking the witness to speculate.

21 A. Bill, I don't know how intuitive that would  
22 be. I just don't know. I mean, if you -- a lot of  
23 things become very obvious once something's done that  
24 they weren't obvious before. So I don't -- if -- there  
25 wasn't a piece of equipment existing to do that, so I

1 can't really -- once -- once the idea came about, maybe  
2 it was intuitive. I just don't know. And that's a --  
3 that is ambiguous to me.

4 Q. (By Mr. Harris) In any event, you would agree  
5 with me, would you not, that you -- to practice such a  
6 process as you had in mind, you would have to have this  
7 piece of equipment that didn't exist yet?

8 A. Yes. I think that's a fair statement.

9 Q. And that piece of equipment ultimately became  
10 the Rendleman Coater; is that true?

11 A. Yes, sir.

12 Q. You say here, At this time I don't recall being  
13 told about the WIMS process of WPC, which issued shortly  
14 there afterwards, on December 6, 1994, as  
15 US Patent 5,370,976 (Jesse Williamson and others at  
16 WPC).

17 Do you have a copy of that patent?

18 A. I don't have it anymore. I had one when I was  
19 at Printing Research certainly.

20 Q. Uh-huh.

21 A. I'm very aware of that patent.

22 Q. Did you read it when you were at Printing  
23 Research?

24 A. Yes, sir.

25 Q. What does the patent cover, in a sense? I'm

1 not talking about in the specific little claims or  
2 detailed claims. What's it about?

3 A. It's a process of -- to the best of my  
4 knowledge, a process to separate colors so you can  
5 integrate metallic as part of the process as opposed to  
6 putting it on as a separate step. And that has to do  
7 with separations of various colors and screen angles and  
8 things that are -- that are involved in the color  
9 process -- the separation process.

10 Q. Would you think it pretty complex for a layman?

11 A. It was damn complex for me, if you'll excuse  
12 the term. It's very complex. There's a description of  
13 it in here if you want to try to read it.

14 Q. I tried to read it --

15 A. I'm a mechanical engineer. This involved  
16 things that were well beyond the scope of my  
17 understanding.

18 Q. Well, you found some of that chemistry minor in  
19 there, though, didn't you?

20 A. Just about enough to confuse me.

21 MR. PINKERTON: Bill, can we take about  
22 a -- are you through with Paragraph 4?

23 MR. HARRIS: Well, if you want me to be.

24 MR. PINKERTON: Can we take about a  
25 five-minute break?

1 MR. HARRIS: I'm not going to absolutely  
2 promise that I might not come back.

3 MR. PINKERTON: No. I'm really asking if  
4 you're at a good stopping place. If not, let's hang on  
5 for a few more minutes.

6 MR. HARRIS: Sure.

7 MR. PINKERTON: A good stopping place for  
8 a minute?

9 MR. HARRIS: You guys run out and get some  
10 of that --

11 THE VIDEOGRAPHER: We're off the video  
12 record, 11:37 a.m., Tape 1.

13 (Recess taken)

14 (Mr. Watson entered deposition  
15 proceedings)

16 THE VIDEOGRAPHER: We're back on the video  
17 record at 1:33 p.m., Tape 1.

18 Q. (By Mr. Harris) We had not specifically  
19 discussed Paragraph 5, as such, to Exhibit 3, had we,  
20 sir?

21 A. We were in the process of it, as best as I can  
22 recollect.

23 Q. Well, we had talked some about Rexham, of  
24 course?

25 A. Right. That's -- yes, sir.



1 Q. And you told me that -- something about  
2 cigarette carton customers, didn't you?

3 A. Yes, sir. That's correct.

4 Q. And did you tell me that with speculation, or  
5 was it fact?

6 A. That part, as I -- as I recollect, was indeed  
7 what they were looking at -- one of their applications.  
8 Any of the other applications I'm not sure of. And --  
9 but cigarette cartons were specifically mentioned in  
10 relationship to those gold metallic tests that we were  
11 running.

12 Q. As I understand, you had Mr. Bird with you when  
13 you went over to see Mr. Williamson with the results of  
14 the Rexham test; is that true?

15 A. Yes, sir. That's correct.

16 Q. The second line says, We printed some metallic  
17 gold inks for Rexham as samples, some of which were  
18 preprinted.

19 Sir, being one that's not in the printing  
20 arts, just exactly what's -- tell me, so I will know,  
21 just exactly what's meant by that.

22 A. I'm not sure that -- that they were actually  
23 preprinted at --

24 Q. You think that may be wrong?

25 A. That may be -- I don't recall if they were

1 printed. Seemed like the board -- some of the board was  
2 preprinted, but I know most of the runs that we ran were  
3 not preprinted. They were going to print on them  
4 perhaps later, but that -- that may be just a little bit  
5 of a step there. I've never --

6 Q. A little bit of what?

7 A. That may be -- I'm not sure that that -- that  
8 they were preprinted.

9 Q. A little bit of a step --

10 A. Yeah.

11 Q. -- or a little bit of a slip? Which did you  
12 say?

13 A. Well, that may be -- I'm not -- they -- I don't  
14 think they were preprinted, but they -- I'm just not  
15 sure.

16 Q. That particular sentence you're not sure of --

17 A. Yeah.

18 Q. -- and I can strike, huh?

19 A. Yeah, maybe we should. I -- yeah. Without  
20 being absolutely positive that they were preprinted, we  
21 probably ought to strike that one.

22 Q. Well, you think your mind has just changed  
23 since the time you gave the affidavit?

24 A. Reflecting on that, I just don't -- I just  
25 don't recall. I know that we did -- some of the

1 objectives were to do preprint, but that's where I --  
2 I'm not sure that those were already done that way.

3 We ran a lot of tests during that period  
4 of time, and I'm not -- I can't say that the Rexham ones  
5 were preprinted, looking at it specifically.

6 Q. What other tests do you recall during that  
7 period of time?

8 A. We brought customers in from various companies,  
9 which I can't recall, enumerate. But we showed that  
10 coater to other people --

11 Q. Uh-huh.

12 A. -- and --

13 Q. Did you run it for them?

14 A. I didn't, but we -- the company did.

15 Q. You did run this? The company did?

16 A. Yeah. It was a demonstration press. We had  
17 our dryers and our coaters on that press for purposes of  
18 demonstration.

19 Q. And do you know if any of the products were  
20 subsequently overprinted with lithography?

21 MR. PINKERTON: Objection as to form.  
22 Leading, no foundation, vague and ambiguous.

23 A. I don't know that for a fact.

24 Q. (By Mr. Harris) Do you know it for a likely  
25 fact?

1 MR. PINKERTON: Same objection.

2 A. Well, it's likely. I mean, there would be no  
3 reason just to put flexo down and then not do anything  
4 else, but I wasn't involved with the subsequent  
5 disposition of the products.

6 Q. (By Mr. Harris) How do you place October '94  
7 as the time when this event took place, including the  
8 trip over to see Mr. Williamson and show him the gold  
9 work?

10 A. That's just the best of my recollection. I was  
11 fairly confident that it was in October, just running  
12 through the litany of activities during that period of  
13 time. That seemed to be an identifiable time. Without  
14 having anything to document that specifically, that's  
15 the best of my recollection.

16 Q. Plus or minus how much?

17 A. What's your scale? Plus or minus --

18 Q. I was asking you to give us a scale. Plus or  
19 minus how much?

20 A. Plus or minus a week. It was in October, you  
21 know.

22 Q. You're sure about October?

23 A. I -- as sure as I can be without, you know, it  
24 stamped on my forehead. It's just -- that's what it  
25 is. That was the time frame we were working in.

1 Q. What do you mean by that, the time frame that  
2 you were working in?

3 A. That's when we were doing testing for Rexham,  
4 during that time frame.

5 Q. You said plus or minus a week or two weeks?

6 A. It was in October; toward the end of October,  
7 as I recollect. And to be more specific than that, I  
8 can't.

9 Q. Well, as a matter of fact, you're not that  
10 specific in your affidavit. You just say October. Are  
11 you telling me now you can be more specific and say  
12 toward the end of October?

13 A. Without my -- without a desk calendar or some  
14 specific date, that's my recollection. Yes, sir.

15 Q. Would your desk calendar tell you?

16 A. I looked and I couldn't find it. I could find  
17 no documentation as to the exact date of that, although  
18 our pressman who ran the test, to the best of my  
19 recollection, indicated that that's when his -- when the  
20 tests were run, according to his -- his records.

21 Q. Uh-huh.

22 A. I have no -- I don't have those, but that  
23 was --

24 Q. When did you speak to him?

25 A. Oh, several times during the past two and a

1 half years before I left Printing Research.

2 Q. Uh-huh. What was the purpose of asking him  
3 about when the Rexham runs took place and/or the  
4 Williamson trip to show the gold work took place?

5 A. Mr. DeMoore had asked me to see if we could  
6 come up with any kind of date, samples, anything that  
7 would be relevant to this type of activity during that  
8 period of time. And since he was our pressman that ran  
9 all the tests, that was just natural to question him  
10 about what his records reflected, what samples he might  
11 have.

12 (Discussion between Mr. Harris and  
13 Mr. Wilson out of hearing of reporter)

14 Q. (By Mr. Harris) This was a two-color press,  
15 right?

16 A. Yes, sir.

17 Q. And could you properly speak of putting the  
18 Rendleman Coater on the first unit of the press?

19 A. Yes. Subsequently that was done.

20 Q. On the two-unit one?

21 A. Correct.

22 Q. And when did that start, putting it on there?

23 A. On the first unit?

24 Q. Uh-huh.

25 A. I don't have the exact date, but I think it was

1   sometime in the first/second quarter of '95, somewhere  
2   along in there.

3       Q.   Uh-huh.

4       A.   I don't have those committed to memory, but  
5   that was some of the things I looked at with Ron to find  
6   out when we had actually started building a unit for our  
7   first -- for the first unit. And I -- you know, he's  
8   got those dates, I'm sure, specifically; but it was  
9   during that time frame.

10      Q.   And you are speaking of the Rendleman Coater,  
11   right?

12      A.   Yes, sir.

13      Q.   And that's the Ferris wheel coater?

14      A.   Yes, sir. That's the one that uses the Ferris  
15   wheel cantilever movement. Yes, sir.

16      Q.   You make the point that PRI started using --  
17   well, let me try again. They designed and fabricated,  
18   or started the design and fabrication of an experimental  
19   unit -- to make the question clean, I'll start it a  
20   third time.

21                   Specifically what you said was PRI started  
22   in earnest the design and fabrication of an experimental  
23   Ferris wheel or cantilevered interstation long-arm  
24   rack-back device in the late fall of 1994. Now, is that  
25   the same unit you just mentioned to me?

1       A.    The long arm would be the one for the  
2 printing -- to fit on the actual print unit; the short  
3 arm being the one to fit on a coater unit. Yeah. And  
4 the words kind -- it kind of drags on and on, but that's  
5 to try to define it as best you can because it's not  
6 something that's -- you know, that you can go to a  
7 dictionary and find.

8       Q.    It's not what you described as traditionally  
9 under rack-back, is it?

10       A.   Well, not -- not really, but it -- when you --  
11 when you're moving the device mechanically into another  
12 position, you use the best terms that you can come up  
13 with to try to describe that process.

14               Rack-back might help somebody to visualize  
15 the fact that you're moving that, where a cantilevered  
16 Ferris wheel might leave somebody saying, What in the  
17 heck is that? But a rack-back kind of describes the  
18 fact that you're moving that from one position to  
19 another.

20               A poor attempt at trying to clarify  
21 something, I guess; but at least that's -- that was the  
22 intent on that.

23       Q.    You place the time as the late fall of 1994.  
24 How do you do that?

25       A.    Well, the drawings that Ron and me went over



1 many times all were dated -- the earliest one was late  
2 fall, in December, I think -- early December. I don't  
3 remember the exact date.

4 Q. Is that while you were helping Ron try to find  
5 out what development was and development dates were?

6 A. That's why we were going through the process of  
7 trying to -- yeah.

8 Q. While you were still an employee?

9 A. Oh, yeah, absolutely.

10 Q. And then trying to help the company, right?

11 A. Well, I'm still trying to help the company. My  
12 position hasn't changed, Bill. I'm not an adversary.  
13 This document describes exactly the position that I took  
14 when I was at Printing Research. Maybe I'm embellishing  
15 this a little bit, but I'm not an adversary. I'm still  
16 trying to help --

17 Q. Well, what do you mean --

18 A. -- if you don't mind me saying so.

19 Q. What do you mean about embellishment? I'm  
20 about halfway kidding, but you said embellish.

21 A. Well, I am too.

22 Q. You said embellish, and I have not accused you  
23 of anything to the contrary.

24 A. Except being an adversary, which I'm taking an  
25 official position that I'm not adversarial to Printing

1 Research in this. I'm not an adversary, period.

2 Q. Well, as a nonadversary, that's while you were  
3 with Printing Research, wasn't it?

4 A. Yes. And performing my duties in a diligent  
5 and loyal fashion.

6 Q. And trying to help -- and trying to help them  
7 in this lawsuit at that time? That's fair? That's  
8 true, isn't it?

9 A. Yes, it is indeed true.

10 Q. But that duty, as far as you're concerned,  
11 ceased being as a duty when you ceased being an  
12 employee; is that true?

13 A. Specifically as a duty, certainly.

14 Q. And I don't even remember, Mr. Garner, when you  
15 ceased being an employee. When was it?

16 A. When I ceased being able to provide a living  
17 for myself at that company.

18 Q. When was that?

19 A. That was at the end of March of this year.

20 Q. I see.

21 A. And at that time I elected to make a career  
22 change.

23 Q. When were you contacted about the possibility  
24 of giving an affidavit in this matter? Declaration is  
25 the technical word for it.

1 A. I was contacted in early April by Williamson if  
2 I would be willing to talk with one of their attorneys,  
3 and that's -- at that point there was, as I recall, no  
4 discussion of a declaration. We just had a --

5 Q. You -- you say you left at the end of March, or  
6 as far as you were concerned, you were terminated or  
7 needed --

8 A. I wasn't terminated. I gave a resignation --

9 Q. Okay.

10 A. -- if you want to be specific.

11 Q. I don't know what the right word for it is  
12 myself. Anyway --

13 A. Resignation works real well for me.

14 Q. Okay. Resignation --

15 A. Yes, sir.

16 Q. -- was at the end of March?

17 A. Yes, sir.

18 Q. Does that mean the last day in March? Did you  
19 have a specific date to it?

20 A. I believe it was the last day if that was the  
21 end of that particular pay period. I believe it was the  
22 31st of March.

23 Q. How do you -- how did they find out that you  
24 might be available to give some kind of declaration or  
25 to meet with the lawyer?

1       A.    I had contacted Williamson as a potential  
2 client for the products that my present employer sells.  
3 They represented an opportunity for me to perhaps sell  
4 them some equipment. And in the course of this, I made  
5 arrangements for a meeting with Bill, and he asked me if  
6 I would be willing to sit for a few minutes with their  
7 lawyers. And that was done after I left Printing  
8 Research as an employee.

9       Q.    I understand. By the way, how has the sales  
10 worked out with Williamson? Have you been successful?

11       A.    No, sir, I haven't been successful.

12       Q.    Are you still trying?

13       A.    Well, these are long-cycle items, and  
14 typically -- I'm not making any excuses. Maybe I'm just  
15 not a good enough salesman, but I haven't sold anything  
16 yet.

17       Q.    By long-cycle items, you mean they're something  
18 like big presses or what?

19       A.    Well, the timetable on implementing some of  
20 these auxiliary equipments is not something that they  
21 make a decision on without doing other things.  
22 Typically, the cycle time from the meeting to the  
23 proposal to the evaluation to the close can be months or  
24 even years in some cases.

25       Q.    Could you give me an example of what you mean

1 by "auxiliary items" in the context that you now work?

2 A. The press manufacturers typically manufacture a  
3 machine that conveys paper through a press and puts ink  
4 on it. There are many products that enhance that  
5 process that are furnished by companies like Printing  
6 Research and others that are called auxiliary equipment  
7 or accessories, and they're added on to the press. The  
8 press manufacturer doesn't -- doesn't manufacture those  
9 items, and so they're obtained from third parties.

10 Q. And you expected that to be a long-term effort;  
11 is that true?

12 A. Typically, it can be. It's -- yeah. You  
13 expect the best and plan for the worst or whatever. But  
14 at least you hope the cycle time is shorter, but you try  
15 to load the pipeline. That's -- that's just the nature  
16 of the business.

17 Q. Is Williamson one of your potential customers,  
18 as far as you're concerned?

19 A. As far as I'm concerned, yes. I mean, I would  
20 like to have Williamson as a client. Absolutely.

21 Q. Did you see the lawyer more than once?

22 A. Yes. Uh-huh.

23 Q. What -- what was the name of the lawyer?

24 A. Robert Falk.

25 Q. How many times did you see him?

1 A. I think I've seen Robert -- Bob, as we actually  
2 call him -- three times perhaps.

3 Q. Over at where?

4 A. Three times -- three times, as I recall.

5 Q. Where did you see him?

6 A. Where?

7 Q. Yes.

8 A. I saw him once at Williamson. And then we,  
9 when we were discussing this document here (indicating),  
10 questioning and all, we met at a restaurant someplace.  
11 We didn't meet in his office.

12 Q. Did he have any kind of draft with him when you  
13 met with him at the restaurant?

14 A. At some point there was a draft.

15 Q. Is it a draft you brought him?

16 A. It was a draft -- no, I didn't bring him the  
17 draft.

18 Q. He brought you a draft?

19 A. Yeah. Based on, I suspect, questions that he'd  
20 ask me and answers that I'd give him, it was a draft,  
21 certainly. This wasn't the finished document.

22 Q. Well, you saw him three times, you say,  
23 altogether?

24 A. If I recall.

25 Q. Well, what was the third time? Was that after

1 the document that he brought you to look at had been  
2 corrected by you?

3 A. Yes, sir. Uh-huh.

4 Q. And then that third time you signed it?

5 A. No. The third time we met he asked, Is  
6 there -- is there something on this that you would like  
7 to change? Is there anything on here that you would  
8 like to change?

9 Q. What did you say?

10 A. I said no.

11 Q. And then did you sign it?

12 A. It was already signed at that point.

13 Q. Well, when did it get signed? I'm confused.

14 A. After the second meeting. I'm not sure that  
15 that was -- that was in -- that was in April.

16 Q. As a matter of fact, you had all those meetings  
17 within about six days, didn't you?

18 A. Not all of them, no, sir. The last --

19 Q. All but one?

20 A. Yeah. The last one was -- was more recent.  
21 And he asked, Is this -- does this still state your  
22 position? Is there anything you want to change? And I  
23 thought that was admirable.

24 Q. So you talked to Mr. Davis and then talked to  
25 Mr. Falk twice and signed the instrument on April the

1 6th, six days after you left -- resigned -- resigned  
2 from the company?

3 A. (Witness nods.)

4 Q. I just want to be factual. Is that true?

5 A. That's -- yes, that's the fact.

6 MR. HARRIS: I have a note that there's  
7 only five minutes that was left on the videotape, and  
8 that was six minutes ago, I think. So let's recess for  
9 a moment.

10 THE VIDEOGRAPHER: We're going off the  
11 video record at 1:55 p.m., the end of Tape 1.

12 (Recess taken)

13 (Mr. Sweeney and Mr. Watson left  
14 deposition proceedings)

15 THE VIDEOGRAPHER: Going on the video  
16 record, beginning of Tape 2, at 2:02 p.m.

17 Q. (By Mr. Harris) Where did the terminology  
18 "short arm" come from?

19 A. I don't recall specifically. It's just the  
20 words to describe the difference between the long  
21 cantilevered arm and the short cantilevered arm. That's  
22 just the -- simply a --

23 Q. Doesn't the short-arm modification have some  
24 advantage?

25 A. It's strictly a matter of press geometry. The



1 unit that the short-arm device fits on is a shorter  
2 press unit, and so it just requires a shorter mechanical  
3 apparatus. It's the --

4 Q. So if one -- if one began to make a shorter  
5 one, a short arm here, as it says, it would be because  
6 of the configuration and mentions or whatnot of the  
7 WPC unit?

8 A. Of the particular press unit that it would be  
9 adapted to. Yes, sir.

10 Q. And this particular unit we're talking about  
11 was not of the Ferris wheel design, was it?

12 A. I'm sorry. Which unit?

13 Q. At the end of your Paragraph 6. That's where  
14 I'm referring to. I'm sorry. I should have said so.

15 A. Yes. That would be -- that would be a Ferris  
16 wheel.

17 Q. Now, can you tell me why such a switch was  
18 made?

19 A. From a rack-back to a Ferris wheel? Is that  
20 what you're asking? I'm not --

21 Q. No, no. When Rendleman began a short-arm  
22 modification.

23 A. It had to do with the fact that Williamson  
24 wanted to put it on a coater unit, and that required a  
25 short -- that required a short-arm modification.

1 Q. Did Williamson order one of these units?

2 MR. PINKERTON: Objection to one of these  
3 units. What are we talking about?

4 MR. HARRIS: Short-arm unit, as stated  
5 in --

6 MR. PINKERTON: Short arm?

7 MR. HARRIS: -- the last paragraph -- I'm  
8 sorry -- the last sentence of Paragraph 6.

9 A. Yes. They did subsequently order one. Yes.

10 Q. (By Mr. Harris) I mean, that's after the fact  
11 when you say "subsequently"? As opposed to prior,  
12 subsequently?

13 A. Prior to their placing a purchase order,  
14 Rendleman had begun the design. Is that what you're  
15 asking me because --

16 Q. Yes.

17 A. -- that was the sequence.

18 Q. Do you know how such a sequence would occur  
19 without a firm order?

20 A. I know several ways that it could occur.  
21 Mr. DeMoore would have been the person that would have  
22 made the decision to start the design without having an  
23 order in-house simply because we felt like there may  
24 have been some opportunity to -- that this was worth the  
25 investment. I don't know. I mean, that's -- you make

1 those decisions sometimes. I asked my present company  
2 to do the same thing recently. It's just something that  
3 you make a judgment on.

4 Q. Are you telling me you develop equipment for  
5 the purpose of making it available for certain projected  
6 possible sales and uses?

7 A. Yes.

8 MR. PINKERTON: Objection. Leading.

9 Q. (By Mr. Harris) Well, is that true, however?

10 A. Yeah. It's true in industry in general, I  
11 think.

12 Q. Was that also done on the Ferris wheel unit?

13 A. I thought we were -- this was the Ferris wheel  
14 unit.

15 Q. I don't know. Let's look at it.

16 MR. PINKERTON: He's already testified it  
17 was the Ferris wheel unit, the short arm.

18 A. That's the only thing -- that's the only thing  
19 that existed. That's -- that was --

20 Q. (By Mr. Harris) What was the only thing that  
21 existed?

22 A. The Ferris wheel design for this particular  
23 application, as far as I know, is the only thing that  
24 ever existed. It was never configured in any other way.

25 Q. So you're saying that the Ferris wheel design

1 was done without an order; is that correct?

2 A. Yes.

3 Q. And it was done from the abilities and the work  
4 of people at PRI?

5 MR. PINKERTON: Objection. Leading.

6 A. The only one I'm aware of was done by Ron  
7 Rendleman at PRI.

8 Q. (By Mr. Harris) And are you aware of any  
9 directions of any sort that Mr. Rendleman got from  
10 outside companies or people, outside people, on how to  
11 do it?

12 A. I'm not aware of any. No, sir.

13 MR. HARRIS: Excuse me just a minute  
14 more.

15 Q. (By Mr. Harris) In both Paragraph 7 and 8 of  
16 your declaration, you make reference to the date  
17 March 20, 1995. Do you see that?

18 A. Yes.

19 (Mr. Watson entered deposition  
20 proceedings)

21 Q. (By Mr. Harris) Do those two March 20 dates in  
22 some way relate to each other?

23 A. I'm afraid I don't follow.

24 Q. You stated in 7 that you did not know until  
25 March 20th, 1995, when you saw some tests run; then you

1 go on with a sentence. And then in 8 you say, On or  
2 about March 20th, 1995, I saw some tests run, and so  
3 on.

4 A. That's the same.

5 Q. Is that the same date --

6 A. The same test, the same date. Yes, sir.

7 Q. Where did you get the date from?

8 (Mr. Douglas and Mr. Rendleman left  
9 deposition proceedings)

10 A. As I recall, that's the date that -- backing up  
11 into our installation at Williamson -- that they first  
12 actually ran the unit. And I looked into this,  
13 obviously, when I was at Printing Research; and I recall  
14 that as being the date when we did the first -- first  
15 runs there, as best I can recollect.

16 Sometimes particular dates stand out in  
17 your mind and sometimes -- but this one was -- it was --  
18 I felt it was somewhat significant and --

19 Q. (By Mr. Harris) How new is the Heidelberg  
20 press at WPC, looking at Paragraph 8?

21 A. That was a brand new press. That press had  
22 been installed. We had also installed our dryers on  
23 that press.

24 Q. Uh-huh.

25 A. It had been started up, which is typical, and

1 signed off by the customer. And then we shortly  
2 thereafter did the installation of the auxiliary  
3 equipment.

4 Q. When do you think the press was made ready?

5 A. You mean initially or when was it -- when did  
6 it start printing initially?

7 Q. Yeah.

8 A. I don't know the exact date that press was  
9 delivered, but it was late '94, some -- sometime toward  
10 the end of '94. I don't remember the exact date. It  
11 was the first press that was delivered out of an order  
12 of five and -- but I don't remember the exact date. But  
13 it was a new press.

14 Q. In Paragraph 8, there, you say, "simulating the  
15 new process of WPC." What do you mean in that case by  
16 the simulation?

17 A. The gold was ran first, and then the sheet was  
18 put back through the press to put the litho on it.

19 Q. It was a double pass?

20 A. Yes, sir.

21 Q. Why was that?

22 A. Well, there was no way to do it as single  
23 pass. The coater was at the end of the press. That was  
24 the only way that it could be accomplished at that  
25 point.

1 Q. Why was it mounted at the end?

2 A. I can't answer that. That was Williamson's  
3 decision.

4 Q. That was what?

5 A. That was Williamson's decision, as I recall.

6 Q. He could have mounted it at the front?

7 A. Yeah. The objective was to move it, to go to  
8 the front of the press ultimately.

9 (Mr. Sweeney and Mr. Rendleman entered  
10 deposition proceedings)

11 Q. - (By Mr. Harris) Could he have done that then?

12 A. Had we had a design.

13 Q. You mean what was available wasn't satisfactory  
14 for that purpose?

15 A. At that point we didn't have a design for the  
16 print unit completed, as I recall. And this was done in  
17 order to get some of these things printed up for the --  
18 for the DRUPA, which was in May. So it was -- I suspect  
19 it was a matter of expediency, although that was their  
20 decision. That was the quickest way to get one on, as I  
21 recall.

22 Q. You made reference to this in your immediate  
23 prior statement and put your hands on Exhibit 2?

24 A. Yeah. These were -- these were produced with  
25 that process, as I recall, for a handout at the DRUPA

1 show.

2 MR. PINKERTON: Those are just the  
3 inserts, Bill, to the brochure, which is Exhibit 2, is  
4 what he's referring to?

5 MR. HARRIS: The inserts are part of an  
6 exhibit, I hope.

7 MR. PINKERTON: Yeah. But, I mean,  
8 distinguishable from the outside of the brochure.

9 MR. HARRIS: I think that's what it means.

10 THE WITNESS: Yeah. That was -- there's  
11 no --

12 MR. PINKERTON: I'm just trying -- I'm  
13 sorry.

14 MR. HARRIS: I'm not having any problem  
15 with what you're doing.

16 MR. PINKERTON: I'm just trying to  
17 describing it for the record.

18 THE WITNESS: No. It was the --

19 MR. HARRIS: As much time as I'm taking, I  
20 think it's fair for you to take a little.

21 MR. PINKERTON: Thank you. That's all I  
22 need.

23 MR. HARRIS: What a disappointment.

24 MR. PINKERTON: There will be more.

25 Q. (By Mr. Harris) Mr. -- I represent to you



1 merely what I've been told by Mr. Rendleman, who after a  
2 great deal of thought, tells me that in his design work  
3 and leading toward construction that the coater that was  
4 involved in the Paragraph 8 and 9 situation you  
5 described was just barely started with part sketches --  
6 or a single one, I believe -- a few days before that --  
7 actually, almost a month before it, I believe?

8 A. Are we talking about the short arm? Is that  
9 what you're alluding to?

10 Q. The one that you're talking about in 8 and 9.

11 A. Right. Yes, sir.

12 Q. Yeah. That's -- that's what he says. And he  
13 says that -- taking that to be true for the moment, and  
14 if that isn't true, well, then, you know, we'll have to  
15 make revisions. But taking that to be true, he says  
16 that he believes you would know that it would be at  
17 least a couple of months or more before there could be a  
18 finished unit, if that's true.

19 A. Well, that would be -- I mean, by the time you  
20 design, detail, and fabricate, that's not an  
21 unreasonable amount of time to assume. I mean, that's  
22 accelerated even.

23 Q. So if that's true, is it true that your dates  
24 are probably off?

25 MR. PINKERTON: And what dates are you

1 talking about, Bill?

2 MR. HARRIS: His dates of March the 20th  
3 in both 8 and 9.

4 A. I don't think so. I mean, it could be, but I  
5 don't think so.

6 Q. (By Mr. Harris) - Now, you don't think so  
7 because you think he's wrong, or you don't think so  
8 because you think the premise is wrong on how long it  
9 would take?

10 A. I think that we did a remarkable job of  
11 designing and building parts and having them installed  
12 by March 20th to run, and that's my recollection and --

13 Q. So from the start, you think that one month  
14 would be not unreasonable?

15 A. No, I didn't say that, Bill. Rendleman started  
16 designing this in December, as evidenced by drawings  
17 that I've seen many times and you have too. We started  
18 fabricating some parts. I don't know exactly when, but  
19 certainly shortly thereafter. And March is more than  
20 one month.

21 I mean, it took a great effort to get the  
22 parts put together, and that was not a finished design.  
23 It was a prototype design. It was -- had manual  
24 actuation. The Ferris wheel was manually operated. It  
25 was -- but I feel comfortable that that's the time

1 frame, within the limits of my recollection.

2 Q. Is it not possible that a different coater than  
3 the one you reference was installed for those tests?  
4 That's what happened, isn't it?

5 MR. PINKERTON: I'm going to object to  
6 that question as leading and argumentative.

7 A. Yeah.

8 Q. (By Mr. Harris) Well, think about it for me.

9 A. I don't have to think about it.

10 Q. You're sure?

11 A. Well, I don't know of any -- I know of one  
12 coater at that particular time. I know of one. If  
13 there was another one, I'm not aware of it. There was  
14 another one being worked on, but it was for a printing  
15 unit. And it wasn't as far along as this.

16 I don't -- now, he may have taken some of  
17 the ideas from that one and shifted them to this one.  
18 I'm not sure what his sequence of events were, but that  
19 wasn't my area there. I just knew that he was working  
20 on getting one built for the -- for the coater unit.

21 Q. Well, let me come back to this. I'm not  
22 extremely skilled in this art, and I think I probably  
23 ought to talk to some of the people. And after the next  
24 break, maybe I'll come back to it.

25 A. Well, that's fine.

1 Q. Maybe I'll know more or maybe I'll decide that  
2 it isn't worth pursuing it. We'll see.

3 A. Well, there were two coaters being built and  
4 designed during this period of time, but one of them was  
5 for the first unit of our press. But I'm not sure what  
6 the sequence was. But this particular coater, this  
7 short-arm device, to my recollection, was the only one  
8 that existed in the time that we're talking about to  
9 have it installed in that period of time in order to get  
10 some things for DRUPA.

11 Now, what they did in terms of rearranging  
12 their production schedule, I don't know; but there was  
13 certainly not two coaters sitting on the floor at that  
14 particular time.

15 (Mr. Douglas entered deposition  
16 proceedings)

17 Q. (By Mr. Harris) Did you follow this  
18 development of the coaters?

19 A. Reasonably closely, uh-huh.

20 Q. And what does that mean? How closely?

21 A. Well, I wanted to know how it was going because  
22 I was responsible for the commercial activity of the  
23 company, and it was certainly something that I felt that  
24 we needed to make available to the market if we possibly  
25 could. So I was interested from a commercial point of

1 view.

2 I have some technical interest in it too,  
3 but the main thing is that I wanted to see if we could  
4 get the thing to a point where it could be a product.

5 (Mr. Sweeney, Mr. Watson, and

6 Mr. Rendleman left deposition proceedings)

7 Q. (By Mr. Harris) Does the WIMS, as you put it  
8 in 9, WIMS '976 process, does it have a flexographic  
9 step?

10 A. No, sir, not as I understand it within the  
11 limits of my understanding.

12 Q. How do you --

13 A. I don't know that it excludes flexography, but  
14 I don't think it specifically mentions it.

15 Q. How do you relate that, sir, to a flexographic  
16 step at WPC?

17 MR. PINKERTON: Are you specifically  
18 referring to a sentence in the declaration?

19 MR. HARRIS: Yes, I am.

20 MR. PINKERTON: Okay. I think it's fair  
21 to the witness that we point out what sentence we're  
22 talking about here. And I'll object to the --

23 MR. HARRIS: Well, the witness made this  
24 affidavit or this declaration.

25 MR. PINKERTON: I want to object to the

1 question if you're asking him about a sentence in the  
2 declaration without pointing -- pointing his attention  
3 to the sentence. Otherwise, the question you asked is  
4 objectionable as to form and vague and ambiguous, and  
5 nobody knows what you're talking about.

6 MR. HARRIS: I'm certain I know what I'm  
7 talking about.

8 MR. PINKERTON: I'm certain you probably  
9 do; but the witness doesn't, I don't think, without  
10 referring him to the document.

11 Q. (By Mr. Harris) Do you need to see the  
12 document in order to know the relation between what I  
13 asked? Do you think you're able to answer the question?

14 A. As the best I understand it, if I understand  
15 what you're asking, the WIMS process had to do with  
16 integrating metallic into the process. And to say that  
17 it's lithographic metallic in the original WIMS is  
18 indeed correct. To say that it's another type of  
19 metallic that could be integrated is not a -- not a leap  
20 of faith for me. I mean, it wasn't --

21 Q. Sir, are you talking about another type of  
22 metallic that could be integrated, or are you talking  
23 about another way to integrate it?

24 A. The metallics are the same pigments. The way  
25 that they're carried is in a different medium, and you

1 have to apply them by a different means.

2 Q. That becomes the flexographic step?

3 A. Yes, sir.

4 Q. In place of what was in the original WIMS?

5 A. As a lithographic -- and I don't know that the  
6 original WIMS wouldn't embrace that, but I'm not --  
7 that's not my -- I'm not here to interpret that.

8 Q. Have you -- have you studied the WIMS patent  
9 carefully?

10 A. As I said, it's written a little bit above  
11 my -- the scope of my understanding. I understand  
12 generally what it is.

13 (Mr. Sweeney, Mr. Watson, and  
14 Mr. Rendleman entered deposition  
15 proceedings)

16 Q. (By Mr. Harris) Where did you get the  
17 terminology "WIMS '976" in Paragraph 9?

18 A. Well, I think that's the last three digits of  
19 the WIMS patent, if I'm not mistaken. And isn't that  
20 common to sometimes identify things by the last three?  
21 We -- that's the way we did it at Printing Research.

22 Q. That's, as far as I know, quite common.

23 A. Well, that's probably why I did it.

24 Q. But it usually has some front numbers. How  
25 many? Do you know?

1 A. No, sir, I don't.

2 Q. How many numbers in a patent?

3 A. I don't know that. It's mentioned here.

4 MR. PINKERTON: Do we need to get --

5 A. Is that a trick question?

6 Q. (By Mr. Harris) No. I think it's -- I think  
7 it's a question to kind of get a feel for what you know  
8 about the patent.

9 A. Well, I know that it's mentioned in Paragraph 4  
10 by all of its, you know, seven digits, and there's  
11 parentheses --

12 Q. How did it get mentioned there? I guess that's  
13 what I'm coming to.

14 A. How did it get mentioned?

15 Q. Yeah. Is that Mr. Falk's insert?

16 A. I'm sure he's aware of that patent number, and  
17 he probably put it down there. But I concurred that  
18 that's the patent as it's described in this -- as it's  
19 described on this document right here (indicating).

20 MR. PINKERTON: For the record, that's one  
21 of the inserts to --

22 THE WITNESS: That's -- yeah.

23 MR. PINKERTON: Is it 2?

24 THE WITNESS: That's not the printed  
25 insert. That's the written description in laymen's



1 terms, I guess you can say, of the WIMS process. And on  
2 the back of it, it makes note of the patent number.

3 MR. PINKERTON: Indeed it --

4 MR. HARRIS: Mr. Pinkerton, if you want to  
5 subnumber --

6 MR. PINKERTON: No.

7 MR. HARRIS: -- these various things, you  
8 can.

9 MR. PINKERTON: Indeed it does. It  
10 just -- it shows it there.

11 A. I was aware of this patent number for some time  
12 because each time that I would make a proposal for the  
13 equipment, I would be very diligent in letting any of  
14 our, PRI's, clients know that this patent existed just  
15 as a matter of -- that that's just good business.

16 Q. (By Mr. Harris) That's probably the case.  
17 Mr. Pinkerton, though, is helpful, though, isn't he?

18 MR. PINKERTON: Bill, you don't need any  
19 help at all.

20 Q. (By Mr. Harris) Going to Paragraph 9, the very  
21 last line -- and by the way, you do have your  
22 declaration in front of you, don't you?

23 A. Yes, sir.

24 Q. And when Mr. Pinkerton was complaining about  
25 you not having your declaration, more or less, you did

1 have it there, didn't you? You had the declaration  
2 available, didn't you?

3 A. When are we talking about?

4 Q. Oh, a little bit earlier in the testimony.

5 A. Well, the declaration has been here on the  
6 table ever since we began, if I'm not mistaken.

7 Q. And you've had it available all the time,  
8 haven't you?

9 A. Yes, sir. That's true.

10 MR. PINKERTON: For the record, I  
11 certainly didn't complain about him not having the  
12 declaration in front of him. I complained about and  
13 objected to you asking a question that, to me, appeared  
14 to be confusing without pointing to a specific --  
15 specific sentence in the declaration that you were  
16 inquiring about.

17 MR. HARRIS: That's probably true.

18 Q. (By Mr. Harris) But you had the declaration  
19 there all the time, and it's your declaration. That's  
20 true, isn't it?

21 A. Yes, that's true.

22 Q. Looking at the last line of Paragraph 9, "This,  
23 of course, could only be demonstrated as multiple passes  
24 since PRI had only a two-color press." And that's a  
25 fact, isn't it?

1 A. Yeah. That -- the press -- the demonstration  
2 press was a two-color press.

3 Q. Referring to what you identify as the  
4 after-DRUPA '95 activities in the next to the last  
5 line --

6 A. Right. I see that.

7 Q. -- what -- what was done by PRI was to run it  
8 through one time, and then run it through again -- first  
9 flex and then run it through the press with a  
10 lithographic --

11 A. Yes, sir.

12 Q. -- effect or manner?

13 A. Correct.

14 Q. And that was what was done actually up in  
15 Paragraph 8, that same basic thing, by WPC in accordance  
16 with your declaration, wasn't it?

17 A. Yes, sir. Initially that was what they did  
18 because it was at the end of the press.

19 Q. So --

20 A. A double pass.

21 Q. So though you're showing different times, they  
22 were doing the same thing, right?

23 A. I'm sorry?

24 Q. You're showing different times of events? In  
25 Paragraph 8 you're showing March the 20th, on or about;

1 and in 9 you're showing, apparently, after May the 5th,  
2 right?

3 A. Yeah. But that's in two different places. We  
4 were demonstrating -- we did some demonstrations in our  
5 facility after DRUPA.

6 Q. That is what I'm talking about.

7 A. Right. And that's -- yeah -- that's --

8 Q. And so PRI did the same type of demonstration  
9 that was done a bit earlier, in accordance with your  
10 memory?

11 A. Yes, sir.

12 Q. Did the same type of demonstration that was  
13 done by Williamson under 8, Paragraph 8?

14 A. I don't know that we did a WIMS process. We  
15 did put flexo down and overprint it. I don't know that  
16 we did any integrated metallics. That's -- there's a  
17 distinction between those. We may have.

18 Q. How do you know that WIMS was practiced?

19 A. How do I know?

20 Q. Yes.

21 A. Well, what time frame are you talking about?

22 What --

23 Q. Well, on the 8th -- Paragraph 8 -- I'm sorry --  
24 you say it was March the 20th.

25 A. Well, whenever it was, that's what they did.

1 And if -- that's a pretty good demonstration of the  
2 process as I --

3 Q. How do you know that was done by the WIMS  
4 process? I know there's a brochure in there. How can  
5 you tell?

6 A. The metallic is integrated into the process  
7 color. And that's -- Williamson Integrated Metallic  
8 System is what WIMS means, and this metallic is  
9 integrated into the process.

10 Q. Okay.

11 A. That demonstrates, to me, WIMS. Maybe I'm --  
12 maybe I'm missing something on this one.

13 Q. As opposed to the notion of merely doing a  
14 first flexographic step followed by in-line one-pass  
15 contacts with the lithographic steps?

16 A. You can still -- you can do the WIMS in -- by  
17 running them through one at a time.

18 Q. Well, if we subtract the WIMS, which is  
19 indifferent than what I just said -- if we subtract the  
20 WIMS, what was done in Paragraph 8 and what was done in  
21 Paragraph 9 are parallel or substantially the same?

22 A. They are substantially the same in terms of the  
23 application of flexo to demonstrate first down flexo;  
24 but as I recall, we didn't have any separations. We  
25 didn't have the ability at Printing Research to do the

1 WIMS process in our facility.

2 Q. Sir, haven't I tried as hard as I could to take  
3 the WIMS out of the question?

4 A. Well, I'm not sure --

5 Q. I want to tell you --

6 A. -- because I'm still having trouble with it.

7 Q. -- I'm trying as hard as I can --

8 A. Well, I'm trying as hard --

9 Q. -- to take the WIMS out of the question.

10 A. I'm trying as hard as I can to understand.

11 Q. Now, take the WIMS out of the question. And  
12 the question I asked you is a flexographic step first,  
13 followed by lithographic steps in line, one pass, and no  
14 WIMS. What's done in 8 and 9 -- are they substantially  
15 the same thing, then, if that's true?

16 A. Those are both two-pass, and they're  
17 substantially the same from a -- you know, from an  
18 application.

19 Q. I apologize for the misunderstanding.

20 A. Well, I'm still -- I hope I've answered but --

21 Q. Well, if you do the best you --

22 A. There were --

23 Q. If you do the best you can --

24 A. That's the best I can --

25 Q. -- that's all you can do. And if I do the best

1 that I can, that's all I can do.

2 A. They're both two-pass operations with -- with  
3 the idea of putting flexo down first. But that was not  
4 possible, so it had to be done as two-pass. I think  
5 semi-leading is what we used before, which is --

6 Q. Referring to Paragraph 10, could you give me a  
7 general explanation of what was going on concerning  
8 Buchanan Lithographics?

9 A. The only thing that Buchanan at that point had  
10 done for Printing Research was produce brochures for  
11 DRUPA that would describe generally the apparatus.

12 Q. And was that done?

13 A. Yes, sir.

14 Q. And such apparatus brochures were distributed?

15 A. Yes, sir.

16 Q. And did they pretty much show the process in  
17 that they showed interstage mounting?

18 MR. PINKERTON: Objection to the form of  
19 the question.

20 A. They were --

21 MR. PINKERTON: What do you mean by  
22 "pretty much show"? Objection as to --

23 MR. HARRIS: Well, take out "pretty  
24 much." I'll go with "show."

25 A. I don't have one of the brochures here.

1 Q. (By Mr. Harris) Okay. Well, then, don't --

2 A. It was an attempt to describe the ability to  
3 place a coater unit at an interstation position.

4 Q. As opposed to at the end?

5 A. Yeah, because that was already -- people  
6 already did that.

7 Q. This oral commitment to purchase at least one  
8 interstation that's referred to in Paragraph 10 --

9 A. Yes, sir.

10 Q. -- by Williamson, am I to understand that there  
11 wasn't any firm commitment on it either prior to that  
12 time?

13 A. There was no purchase order on the unit for --  
14 to go on a print station at that time. There was the  
15 oral commitments, I guess you can -- discussions.

16 Q. Do you know that there was an oral commitment?

17 A. Well, I think I heard that in my presence.

18 Q. From who?

19 A. It would be from Jesse. Bill would probably  
20 have been in presence.

21 Q. How much were they going to pay for it?

22 A. The first one was no charge. The second one  
23 was half price or something to that effect. I'm not  
24 sure. And those -- that's essentially what -- what the  
25 arrangement was.



1 Q. Really the first one was for free?

2 A. I don't know if "free" is the term. I mean,  
3 there was an investment on both sides in time and energy  
4 and effort and developing, but there was no -- there was  
5 no funds exchanged, as I recall. That doesn't mean --

6 Q. No paperwork?

7 A. Yeah. That doesn't mean it was free. That  
8 means that maybe there was value received through some  
9 other means.

10 Q. But you don't know what that is at this moment?

11 A. Well, I know that there was knowledge  
12 received. I mean, that's sometimes as valuable.  
13 Sometimes --

14 Q. So what was received?

15 A. Knowledge.

16 Q. I see here that the commitment was oral in  
17 February '95. That's what we're talking about, right?

18 A. Right. For the print unit model, the long-arm  
19 model or whatever we're calling it. I've lost my place  
20 here. Is that Paragraph 10?

21 Q. Uh-huh.

22 A. Yes, sir.

23 Q. February -- I don't have 10.

24 A. No, no.

25 MR. PINKERTON: Paragraph 10.

1 A. Paragraph 10. Yes, sir.

2 Q. (By Mr. Harris) Paragraph 10?

3 A. Yeah. The -- that was a -- yeah. That was the  
4 oral agreement to fit one to a print unit, which at that  
5 point didn't exist.

6 Q. But prior to that time, is it your belief that  
7 Mr. Rendleman had already started the design?

8 A. For the print unit? Yes, sir, I believe he  
9 did.

10 Q. As far back as December, at least?

11 A. I would suspect.

12 Q. Well, you wouldn't suspect. You believe it,  
13 don't you?

14 A. Well, that was -- the intent was to put one on  
15 the print unit.

16 Q. But you didn't even have an oral commitment  
17 then, did you?

18 A. That was Mr. DeMoore's decision to proceed  
19 without having a commitment.

20 Q. I don't think it needs an excuse. I just  
21 wonder if it's true that the company didn't have --

22 A. We didn't have a --

23 Q. -- even an oral commitment.

24 A. To my knowledge, unless there was some  
25 discussions that I wasn't party to. I don't know what

1 was --

2 Q. Take a look at your -- whether it's right or  
3 whether it's wrong -- if it's wrong, tell me so. Take a  
4 look at your declaration. It says, "which was currently  
5 in design with the short-arm, cantilevered device, PRI  
6 obtained, as I recall, a firm commitment to go ahead  
7 with the construction of the device in May 1995."

8 Does that still sound all right to you?

9 A. For the print unit model, I think that's --

10 Q. Now, what do you mean by the print unit? Let  
11 me be sure I understand. I don't see that language in  
12 here.

13 A. That's the long-arm device, which would -- as  
14 opposed to the short arm.

15 Q. Uh-huh.

16 A. We also called it an interstation because it  
17 went between two print units.

18 Q. I understand.

19 A. And that's -- that's the distinction.

20 Q. So it is, though, fair to say that for a couple  
21 of months, anyway, even before an oral commitment, that  
22 there was work on a print unit, as you called it?

23 A. Yes.

24 MR. PINKERTON: Objection. Leading and  
25 asked and answered.

1 A. Yes. There was work being done on a print  
2 unit. It was being designed for our press in our -- in  
3 our R&D facility.

4 Q. (By Mr. Harris) Well, hadn't it been requested  
5 by Williamson that you do that?

6 A. At some point Williamson did, but this was  
7 preceding -- this was preceding any --

8 Q. Preceding?

9 A. We were proceeding to fit one onto the first  
10 unit of our two-color press.

11 Q. Apart from what Williamson might or might not  
12 do?

13 A. Well, we didn't have a purchase order for it.  
14 If they had --

15 Q. Well, you didn't even, as far as you know, have  
16 an oral commitment for it, did you?

17 A. Probably we had an understanding, if you want  
18 to be vague.

19 Q. Would it have been better to say that while we  
20 didn't have an oral commitment in my declaration, I  
21 meant to say that we might have had an understanding?

22 MR. PINKERTON: Objection. Leading, form  
23 of the question.

24 Q. (By Mr. Harris) Is your declaration right or  
25 wrong on this point?

1 A. My declaration is correct.

2 Q. Okay.

3 A. There may be some other factors that are not  
4 spelled out there, but that certainly is correct as it's  
5 stated there.

6 Q. I think you better spell them out now, if you  
7 would, please.

8 A. We had an understanding, in my estimation, with  
9 Williamson that we would proceed jointly with certain  
10 aspects of this process or this product or this --

11 Q. Did you think it was a joint development?

12 MR. PINKERTON: Objection. Leading.  
13 Object to the form of the question.

14 A. I think that we were working toward that end,  
15 in my opinion.

16 Q. (By Mr. Harris) Were they -- Williamson  
17 people -- were any of them making contributions to  
18 Mr. Rendleman's work?

19 A. I'm not aware if they were or not. I just  
20 don't know. I know Ron made a number of trips over  
21 there. What his dialogue was with the Williamson  
22 people, I don't -- I don't really know.

23 Q. Is it true, as we go to the next page now, on  
24 this Paragraph 10, that the normal gestation time to  
25 make such a device would be 90 to 110 days?

1 A. Is that correct, you're asking me?

2 Q. Yes.

3 A. Well, if you're looking at a piece of equipment  
4 that has this much engineering and manufacturing, it's  
5 not unusual for it to take that amount of time or more.  
6 It depends on, sometimes, how much priority you put on  
7 it. And, you know, it's a new design. It takes time.

8 Q. Well, looking at that remark, does that still  
9 line up in your mind with the May the 20th date that you  
10 gave in Paragraphs 8 and 9 -- I'm sorry -- March the  
11 20th date, Paragraphs 7 and 8?

12 A. That doesn't have anything to do with the piece  
13 of equipment in those other paragraphs. This -- this is  
14 talking about the interstation design. This over here  
15 was the one that we put at the end of the press.  
16 They're two different --

17 Q. The one, as you said, over here -- we put over  
18 here, that one was not adapted for interstation design  
19 at all, was it?

20 A. The one -- the paragraph -- Paragraph 8 and 9  
21 was not designed as an interstation. There were very  
22 many common parts, but it was designed to fit at the end  
23 of the press on a -- on a coater on a short arm.

24 Q. When did the design start on it?

25 A. On the short-arm device?

1 Q. Yeah.

2 A. Ron was working on that one -- I don't know if  
3 he was working on it in December, but certainly in  
4 January of '95, December of '94, sometime in that time  
5 frame. At some point the decision was made to install  
6 it on the coater at that -- at that point. You know, he  
7 had to design both arms, long and short. The exact  
8 date, I don't know. In order to have had it installed  
9 at that point, he would have had to have started --

10 Q. I'm looking --

11 - A. -- earlier in the year.

12 Q. I'm sorry. Looking at that same paragraph as  
13 it bridges over onto the page numbered 4 for the  
14 affidavit -- or for the declaration --

15 A. I'm sorry, Bill --

16 Q. -- if you go down --

17 A. -- I don't have page numbers on mine. Which  
18 paragraph are you alluding to?

19 Q. Here (indicating). I'm going down five lines  
20 right here.

21 I do not recall saying --

22 A. Okay. It's Paragraph 10. Okay.

23 Q. And in that paragraph, would you read it out,  
24 that sentence actually, the full sentence.

25 A. Starting where?

1 Q. "I do not recall."

2 A. I'm still -- I'm trying to find it. Oh, down  
3 here.

4 I do not recall seeing anything in writing  
5 or otherwise at PRI concerning the long-arm proposed  
6 interstation device prior to December of 1994 -- no  
7 invention records, no memoranda, no notebooks, no  
8 E-mails, no designs, no blueprints, no advertisements,  
9 no parts.

10 Shall I continue?

11 Q. Right. Do you feel reasonably authoritative on  
12 what there was and what there wasn't because you were an  
13 employee over that full period of time and because you  
14 helped assemble the materials for us to produce in this  
15 lawsuit?

16 A. I missed the first part of that. I'm sorry.  
17 Again.

18 MR. HARRIS: Would you read that.

19 (Requested text read back)

20 A. Yes, reasonably authoritative, I would say.

21 Q. (By Mr. Harris) Do you still agree with the  
22 statement, and I quote right after that, Again, prior to  
23 DRUPA in '95 (May 5, '95) all we had was Williamson's  
24 commitment to go forward with the interstation design  
25 and the short-arm end-of-press device installed at WPC?



1 A. My recollection is that's correct, yes.

2 Q. Now, you had told me that you had a somewhat --  
3 well, you've given me a reduction to practice  
4 definition, I think, as well as you can, have you not?  
5 If you have, I'm not going to ask you to do it again  
6 because you make reference to "reduced to practice in  
7 this country," just below where we read?

8 A. Right. Yes, sir. My interpretation of that is  
9 that the product -- the process would be done in one  
10 pass as opposed to two.

11 Q. What makes you select late August or early  
12 September?

13 A. That was the best of my recollection that we --  
14 when we did the installation of that one. I -- again,  
15 I'm not clear on that. I looked that up, you know, when  
16 I was at Printing Research, and that's the best I can  
17 recollect. It was -- it was in the fall sometime and  
18 I -- you know, that's the best of my recollection --  
19 maybe later. That could be off by some degree because,  
20 again, that's --

21 Q. Somehow late August doesn't strike me in Dallas  
22 as fall but --

23 A. Well, I think that may be a little early too.  
24 I don't think we actually installed that over there  
25 until later; but as I said, my recollection on exactly

1 when it was installed, I just don't -- I don't know. I  
2 know it was in the latter part of the year or past  
3 midyear or in the fall, somewhere in that area.

4 Q. November has been suggested to me, or early  
5 December. Does that surprise you as a possible date?

6 A. I don't think that's unreasonable to think it  
7 could have been that late. Again, I just don't recall.  
8 I know that it was -- we had a target date that we were  
9 shooting for, and I -- because there was a poster, a  
10 particular poster, that they wanted to print for -- the  
11 Dallas Opera poster, I believe. And I know we missed  
12 that target date, but I don't remember what those dates  
13 were. I'm sure that they could be recollected  
14 somewhere, but I don't have that.

15 Q. In Paragraph 11 the first sentence states, "The  
16 Buchanan-printed brochures in late April 1995 for DRUPA  
17 were very memorable."

18 Did you have some reason to put that in  
19 the declaration?

20 A. It was just that they were -- they were  
21 produced in a very tight time frame and that we -- they  
22 had to be printed at one place. We came back and added  
23 a flexographic step. They had to be done in -- at a  
24 particular time in order to arrive at DRUPA. It was  
25 just a -- I remember that because they were having to be

1 walked through. They had to be there at DRUPA.

2 We also, as I understand it, had to be  
3 careful about the dates that they were presented to the  
4 public because of some filings that Howard was  
5 endeavoring. That part I'm not totally clear on, but  
6 they were memorable for a variety of reasons, only  
7 because that was something that we wanted desperately to  
8 have at DRUPA.

9 And we had to -- we had to move them from  
10 one plant to another and print them. That kind of  
11 stands out. I guess that's -- is that memorable?  
12 That's memorable to me. It was a fire drill.

13 THE WITNESS: It's okay. Thanks. I'll  
14 nurse this one.

15 Q. (By Mr. Harris) By the way, did you attend  
16 DRUPA?

17 A. Yes, sir. That particular one, yes.

18 Q. Did Williamson have any kind of an exhibit  
19 there?

20 A. I don't recall Williamson having a particular  
21 booth there. They were -- these were in the  
22 Wolstenholme booth at DRUPA, which is, I think, one of  
23 their partners that they use, a supply partner. That's  
24 where these were. And Williamson specifically, to my  
25 knowledge, didn't have a booth of their own there.

1 Q. Were you ever told at any time by anyone from  
2 Williamson that Williamson was seeking to obtain a  
3 patent on the flexographic, followed by lithographic,  
4 single-pass process?

5 A. I don't recall ever being informed that they  
6 were looking for a patent, you know, for that process.

7 Q. Are you particularly well acquainted with  
8 Mr. Davis?

9 A. I would say so, yes.

10 Q. And would you have thought Mr. Davis might have  
11 mentioned that to you if they were getting a patent on  
12 it?

13 MR. PINKERTON: Objection to form.  
14 Leading, calls for speculation.

15 A. Yeah. I couldn't speculate on that. He  
16 works -- he works for another company. I don't know  
17 what -- we have a business relationship.

18 Q. (By Mr. Harris) Did you have any dealings with  
19 Hallmark yourself?

20 A. Yes, sir.

21 Q. Did you try to make a sale to Hallmark?

22 A. Yes, sir.

23 Q. Were they interested?

24 A. I believe they were. Yes, sir. We've got an  
25 old saying: A sale ain't a sale until you've got the

1 check and the money. So I don't know.

2 Q. What was the proposed price?

3 A. We quoted a coater and a UV, I believe,  
4 combined.

5 Q. All right.

6 A. And it was somewhere in the order of \$200,000.  
7 I don't recall specifically.

8 Q. Did they have any additional units in mind?

9 A. I can't answer that. I think this was an  
10 evaluation, but I just don't know.

11 Q. Were you successful in making the sale?

12 A. No, sir.

13 Q. Do you have any belief as to why you were  
14 unable to make the sale?

15 A. To the best of my recollection, they wanted to  
16 do some things with the equipment that would involve the  
17 patent that was issued subsequently in '97 for the flexo  
18 before litho, and they wanted a clarification on that  
19 before they proceeded.

20 Q. You're referring to the Williamson patent, are  
21 you not?

22 A. Yes, sir.

23 Q. '363?

24 A. Yes, sir.

25 Q. Did you make -- did you make other efforts,

1 follow-up efforts, to make the sale?

2 A. Yeah. We could -- we can say that there was  
3 follow-up. The clarification on that particular patent  
4 was something that was -- we're still sitting here today  
5 waiting to try to get clarification, so --

6 Q. Were you heavily involved in negotiations  
7 between Printing Research, Inc., and Williamson that  
8 relate to this patent and technology, the '363 patent  
9 and technology?

10 A. I wasn't even aware of the '363 patent until  
11 after we had -- until the end of '97 or early '98. So I  
12 can't say that I was involved in anything specifically  
13 on that patent. I was involved to some degree with what  
14 we were doing at Williamson during the period of time  
15 that these installations were taking place. I wasn't  
16 the point man on it, but I was certainly involved with  
17 some of those discussions.

18 Q. So if there were drafts going back forth --  
19 back and forth of some kind of a settlement or license  
20 or relationship concerning this patent and/or process,  
21 you weren't involved in them?

22 A. Not as it relates to this patent. No, sir.

23 Q. What I'm talking about would be something  
24 certainly that would be after the patent issued. You  
25 understand?

1 A. Oh, okay. I -- I did go and have -- and  
2 accompany Mr. DeMoore to two meetings in early '98 after  
3 this patent -- after we became aware of this patent, to  
4 sit with Jesse and Bill. And I think Paul Yarvis was in  
5 one of the meetings; and Woody Dixon was in one, if I'm  
6 not mistaken.

7 Q. Would you describe what happened in the  
8 sequence of meetings, if you can.

9 A. To my recollection, we alluded to the fact that  
10 we felt like there might be some participation that  
11 Printing Research had involved themselves with in  
12 this -- in this apparatus, and we'd like to be able to  
13 find a way that we can sell this apparatus without, you  
14 know, having to infringe the patent, so to speak, or  
15 find some way that we could do business with other  
16 customers.

17 Q. Any more to it?

18 A. Those two meetings had to do with what can we  
19 do to come to some kind of an agreement where Printing  
20 Research can sell the product without becoming an  
21 infringer, I guess you -- without infringing this  
22 patent.

23 Q. Well, what did you propose, and what did they  
24 propose?

25 A. There was some discussions of some royalties.

1 There was never anything firm. Some of the numbers that  
2 went back and forth across the table just in general  
3 discussion were maybe higher than what a typical  
4 equipment royalty might be; but there were general  
5 discussions.

6 Q. What would a typical equipment royalty be in  
7 the printing auxiliary business?

8 MR. PINKERTON: Object to the form of the  
9 question and lack of knowledge.

10 A. I don't have any knowledge specifically of  
11 that. It's --

12 MR. HARRIS: I need another recess, this  
13 time, I hope, looking toward a rather short follow-up  
14 period.

15 MR. PINKERTON: Okay.

16 MR. HARRIS: But, that, I can't be  
17 positive of.

18 THE VIDEOGRAPHER: Going off the video  
19 record. It's 3:04 p.m., Tape 2.

20 (Recess taken)

21 (Mr. Sweeney and Mr. Rendleman left  
22 deposition proceedings)

23 THE VIDEOGRAPHER: Back on the video  
24 record at 3:47 p.m.

25 (Discussion between Mr. Harris and



1 Mr. Wilson out of hearing of reporter)

2 MR. HARRIS: I'm sorry. If we get this  
3 done right, though, it will be a lot quicker.

4 (Discussion between Mr. Harris and  
5 Mr. Wilson out of hearing of reporter)

6 MR. PINKERTON: Are any of those questions  
7 any good?

8 MR. HARRIS: No.

9 MR. PINKERTON: I'm glad that's the  
10 filtered out pile. You've filtered out a bunch of them,  
11 I know.

12 Q. (By Mr. Harris) I've talked to you before  
13 about --

14 MR. HARRIS: We're on the record.

15 THE VIDEOGRAPHER: Yes, sir.

16 Q. (By Mr. Harris) I've talked to you before  
17 about Paragraph 8, and I think -- this is Paragraph 8 of  
18 your declaration. And I think I understood what you had  
19 to say.

20 My question simply was -- simply is, to be  
21 sure I'm clear: Was that a two-pass operation, one pass  
22 being flexo and the other one being lithography, in  
23 Paragraph 8?

24 A. Yes, sir.

25 Q. It was two-pass?

1 A. Yes, sir.

2 Q. Okay. And as to the so-called WIMS process in  
3 that original patent, the '9 -- what is it?

4 MR. WILSON: '76.

5 MR. HARRIS: '76?

6 Q. (By Mr. Harris) -- the '976, it doesn't deal  
7 with single or double passes at all, does it?

8 MR. PINKERTON: Objection. Leading.

9 Q. (By Mr. Harris) Or does it?

10 MR. PINKERTON: Lack of knowledge.

11 Q. (By Mr. Harris) I'll put it -- I'll put it  
12 differently then. Does it?

13 MR. PINKERTON: Objection. Leading and  
14 lack of knowledge.

15 MR. HARRIS: Well, if he doesn't have the  
16 knowledge, that would be interesting.

17 A. As I understand it, it deals with the one pass,  
18 integrating metallic with lithographic in one pass with  
19 the metallic being put down first because of its  
20 opacity.

21 Q. (By Mr. Harris) But no flexographic step?

22 A. Yeah, as I understand it.

23 (Mr. Sweeney entered deposition  
24 proceedings)

25 Q. (By Mr. Harris) To the Rendleman Coater, as

1 we've called it --

2 A. Yes, sir.

3 Q. -- referring to it, I ask you the question:  
4 Are you aware of anyone at Williamson that made any kind  
5 of contribution whatsoever to the Williamson -- I beg  
6 your pardon -- to the Rendleman Coater?

7 MR. PINKERTON: Objection to form of the  
8 question being vague and indefinite.

9 A. I'm not aware of any.

10 Q. (By Mr. Harris) And the project of building  
11 the Rendleman Coater was a project that was thought of  
12 and pursued -- well, was that a project that was thought  
13 of and pursued by PRI?

14 MR. PINKERTON: Objection. Vague,  
15 indefinite. Object to the form of the question.

16 A. The apparatus, to the best of my knowledge, was  
17 a product of PRI. Yes.

18 Q. (By Mr. Harris) Did they have a process?  
19 "They" being PRI.

20 A. I was not informed of a process. I was not --  
21 the apparatus is all that I was involved with.

22 Q. Were you aware that -- I may have asked you  
23 before, but were you aware that Bird did not know that a  
24 process could be patented?

25 MR. PINKERTON: Objection. It's already

1 been asked.

2 A. I have no knowledge.

3 MR. HARRIS: It has.

4 MR. PINKERTON: Yeah.

5 MR. HARRIS: That's true, I agree.

6 MR. PINKERTON: You're asking him again?

7 MR. HARRIS: Yes.

8 A. I have no knowledge of what Bird's  
9 understanding was of processes at all.

10 Q. (By Mr. Harris) Did Bird impart any  
11 information to you about a single-pass process with  
12 flexo and litho?

13 A. That's, to the best of my recollection, where I  
14 first heard about, it was from Bird. Yes.

15 Q. Do you know when?

16 A. It would have been around the time of the  
17 Rexham test because that was what precipitated the next  
18 discussions. That's when I first became aware.

19 Q. What do you mean by it's what precipitated the  
20 next discussion?

21 A. About seeing if Williamson would be a candidate  
22 for proving this device.

23 Q. To see if they would be interested in this  
24 device and its use in a single-pass process?

25 A. Yes.

1 MR. PINKERTON: Objection to the form of  
2 the question, and objection to leading.

3 A. Yeah. The objective would be to see if we  
4 could do a single pass.

5 Q. (By Mr. Harris) When Williamson became  
6 involved enough with PRI to have some visits or  
7 discussions about either the coater or a single-pass  
8 process, who was the contact?

9 MR. PINKERTON: Objection -- I'm going to  
10 object to the form of the question. Go ahead.

11 MR. HARRIS: What is objectionable about  
12 the form of the question?

13 MR. PINKERTON: I don't understand the  
14 damn thing.

15 MR. HARRIS: Well, I'm not surprised --

16 MR. PINKERTON: Read it again.

17 MR. HARRIS: -- but I bet the witness  
18 can.

19 MR. PINKERTON: Well, let's see if he  
20 can. Read it again.

21 Q. (By Mr. Harris) I bet you can.

22 A. Who was the point man relative to PRI's contact  
23 with Williamson regarding this --

24 Q. And I was really talking about -- maybe he's  
25 right. I was really talking about at Williamson. What

1 Williamson person was the point man, if you will?

2 MR. PINKERTON: Point man in regard to  
3 what, at what point in time?

4 MR. HARRIS: At the point in time that you  
5 shot down my question.

6 MR. PINKERTON: I didn't get -- that's why  
7 I asked to have the question read back again, Bill.

8 A. Are we talking about at the -- at the beginning  
9 of our discussions with Williamson, who was the main  
10 contact? I think I understand, but I'd like a little  
11 bit more clarification.

12 Q. (By Mr. Harris) I believe you testified to me  
13 that at some time this here was a joint effort to work  
14 with -- to work with the coater and the process.

15 MR. PINKERTON: Objection. Contrary to  
16 his testimony.

17 Q. (By Mr. Harris) Is that contrary to your  
18 testimony?

19 A. There was a joint effort of some type.

20 Q. Yeah. And when did that joint effort start?

21 A. Well, it was an evolutionary process. I don't  
22 know exactly what date you would say this is -- we're  
23 moving toward some sort of an understanding, but that  
24 was the intention, that we would have some sort of a --

25 Q. Who were the movants that were doing this?

1 A. Most of the contacts that I'm aware of between  
2 Printing Research and Williamson had to do with Bill,  
3 but Jesse was certainly involved in some of the  
4 discussions. And John Bird on the Printing Research  
5 side was --

6 Q. Did you say a name when you pointed your  
7 finger?

8 A. I'm sorry. Bill Davis. I think I said Bill.

9 Q. He's worth more than a finger point. Let's get  
10 him on the record. Mr. Davis, right?

11 A. Yes.

12 Q. And I gather from the way you did it, probably  
13 more contacts with Mr. Davis than with Mr. Williamson?

14 A. I think that's a fair statement. Yes.

15 Q. And who were most of the contacts from our  
16 side?

17 A. John Bird was the -- I think we defined -- as a  
18 point man, that he was, at least during that stage, as I  
19 recollect.

20 Q. And as it moved along, that is the -- we won't  
21 call it a partnership, I guess, even though I've seen  
22 some correspondence that way. As it moved along, what  
23 contribution did Williamson make to the development of  
24 the process and the apparatus?

25 A. They provided a, among other things which I'm

1 not sure exactly how far their -- they provided  
2 chemicals. They provided a press. They provided, you  
3 know, a test bed for the process to be proven on. You  
4 couldn't do it without having a multistation press.

5           They -- their expertise in terms of plates  
6 and processes and all obviously must have fitted in  
7 there somewhere. I can't really define where, but  
8 Printing Research didn't, to my recollection, provide  
9 the plates or separations or any of those types of  
10 things.

11       Q.    Sir, if there was no flexographic step involved  
12 in the WIMS process, why would there come to be no doubt  
13 in your mind that that process originated at WPC? And  
14 by "that process" I mean the process you were talking  
15 about in Paragraph 9.

16       A.    I guess, to use a familiar phrase to somebody  
17 skilled in the art, to take a litho metallic step and  
18 replace it with a flexo metallic step wasn't exactly  
19 something that somebody couldn't have thought about.

20       Q.    Could you, sir, point out to me where the flexo  
21 metallic -- the litho metallic step is in the '976  
22 patent?

23           MR. PINKERTON: Objection. He's already  
24 said it's not in there. He previously testified about  
25 that.



1 MR. HARRIS: About what?

2 MR. PINKERTON: About a flexo step in the  
3 '976 patent.

4 Q. (By Mr. Harris) Where is the litho step in  
5 that patent that corresponds to what you just said; that  
6 is, corresponds to a flexo step?

7 MR. PINKERTON: Object to the form of the  
8 question. He previously testified, I think, that -- we  
9 don't have -- we don't have the '976 patent out here.

10 MR. HARRIS: Oh, I can get it, believe me.

11 MR. PINKERTON: Okay. Well, it won't do  
12 any good. He's already testified about this subject.  
13 Asked and answered. Object to the form of the question.

14 MR. HARRIS: What are you talking about?

15 MR. PINKERTON: He's already been over  
16 this with you twice now.

17 MR. HARRIS: Well, he needs to go over it  
18 three times then.

19 MR. PINKERTON: Why? It's a waste of our  
20 time.

21 MR. HARRIS: Because it's not clear to  
22 me --

23 MR. PINKERTON: It's a waste of our time.

24 MR. HARRIS: -- why it is that there will  
25 never be a doubt in his mind that the process of using a

1 flexographic step first originated at WPC because of  
2 WIMS.

3 A. I just stated that to somebody that understands  
4 that process, to take that from a litho metallic to a  
5 flexo metallic, I don't think that's -- I don't think  
6 that's something that's nonintuitive.

7 Q. (By Mr. Harris) Haven't we agreed that neither  
8 one of us understands that process?

9 MR. PINKERTON: Which process, Bill?

10 MR. HARRIS: The WIMS.

11 MR. PINKERTON: Object to form.

12 MR. HARRIS: Neither one of us understands  
13 the WIMS process.

14 Q. (By Mr. Harris) I'll put it to you. Do you  
15 understand the WIMS process?

16 A. I explained what I understood about it, and I  
17 certainly explained also that I have my limitations in  
18 terms of the electronic color separations -- well beyond  
19 the scope of my understanding. But in terms of what the  
20 WIMS process objective is, I understand that.

21 Q. Is there a precise step in the WIMS of  
22 depositing the gold or the silver material by a  
23 lithographic means?

24 A. I think it's all tied around a lithographic  
25 process. Yes.

1 Q. But is there a precise step of doing that?

2 A. Well, they say that the metallic process  
3 separation needs to be done first because of the certain  
4 chemistry relative to opacities of metallics and then  
5 subsequently overprinted with the transparent process  
6 ink. So I think that's -- to a lithographer, that is  
7 fairly clear, I think.

8 Q. Are you saying, sir, that the same first step  
9 in the WIMS process is the same as the flexographic step  
10 in the process at issue here?

11 MR. PINKERTON: Objection to the form of  
12 the question. Object to leading.

13 A. The -- as I understand it, the necessity to put  
14 the metallic down first because of its opacity is a  
15 requirement in both processes, be it litho or flexo.  
16 That's my understanding.

17 Q. (By Mr. Harris) Is that the similarity, then,  
18 you find?

19 MR. PINKERTON: Objection to form.

20 A. I think that's one of the similarities.

21 Q. (By Mr. Harris) Are there some others?

22 A. Well, perhaps there is. I don't -- as I say,  
23 I'm not versed in the electronic separation process.  
24 There may be some similarities in the way they separate  
25 the color out. The certain -- in terms of application,

1 metallic pigments need to be laid down first in either  
2 process.

3 Q. Was that known previously in the art, that --

4 A. Yes.

5 Q. -- you had to do that?

6 A. Yes.

7 Q. So WIMS didn't teach that even, did it?

8 A. People have known for generations about  
9 opacity -- opaque inks and transparent inks. That's  
10 what makes the lithographic process so interesting is  
11 that they can do some things with it like that. And  
12 metallic inks, be it -- you know, whether they're flexo  
13 or litho, they're opaque.

14 You can't -- if you put them down over the  
15 top of another color, you mask the other color. So you  
16 need to put them down first and put the other colors on  
17 top if you're integrating them into that process.  
18 That's not a -- I mean, that's very common knowledge.

19 Q. So that part of it, at least, is old in the  
20 art?

21 A. I think that that's -- yeah. I think that  
22 that's something that's been -- yeah. The understanding  
23 of opacity and transparent inks has been around for a  
24 long time.

25 Q. Which would give rise to the understanding that

1 you would have to put the gold or the silver down first?

2 MR. PINKERTON: Objection. Leading.

3 Q. (By Mr. Harris) Is that true?

4 MR. PINKERTON: Objection. Leading.

5 A. It's my --

6 Q. (By Mr. Harris) Is that true?

7 A. Within -- within the limits of my  
8 understanding, yes.

9 Q. At any time did Williamson, in '64 or '65 --

10 MR. WILSON: '90.

11 Q. -- '64 or '65 -- '94 or '95, at any time did  
12 Williamson provide any plans or sketches or descriptions  
13 to assist in development of equipment or a process for  
14 the Rendleman Coater and the single-pass process?

15 MR. PINKERTON: Objection to the form of  
16 the question. Compound question, asked about equipment  
17 and processes together. Can't answer it in that way.

18 A. I can't answer that because they're two  
19 separate issues. The -- the process and the equipment  
20 don't --

21 Q. (By Mr. Harris) Fine.

22 A. Ask them separately and I'll -- I'll be --

23 Q. All right. First let's take the equipment.  
24 Did they provide drawings or sketches or any tangible,  
25 like that, documentary information to work from on the

1 sketches?

2 A. Not as far as I'm aware regarding the  
3 apparatus.

4 Q. Now, you wanted me to break it up, so I'll go  
5 to the second part, and let's talk about the process.  
6 What did they provide in that connection?

7 A. They provided the plates, the separations, the  
8 inks, the -- you know, the essence of what it took to  
9 put the ink on paper, so to speak.

10 Q. What do you mean by "separation" in this case?

11 A. If you want to print that picture, you have to  
12 take a picture of this through filters, or of course  
13 they do it electronically now. They scan it and do it  
14 differently. But you have to separate each color out  
15 separately.

16 Q. Uh-huh.

17 A. And then you make a printing plate off of each  
18 one of those separations.

19 Q. Is that how you make -- are you -- are you  
20 discussing every plate or just the flexo plate or --

21 A. All -- all the plates.

22 Q. All the plates?

23 A. All the process plates have to be separated.  
24 Each color is separated out independently.

25 Q. And that's within a very good skill of theirs

1 because they do that regularly in printing. Is that not  
2 true?

3 A. Yes, sir.

4 Q. And what else did they provide?

5 A. The plates, the printing plates, for both the  
6 litho and the flexo process.

7 Q. All right. And those are old in the art?

8 A. Yeah.

9 MR. PINKERTON: Objection. Leading.

10 A. Yeah. They were a fairly standard --

11 Q. (By Mr. Harris) Right.

12 A. -- issue. And, you know, their expertise in  
13 printing and inks, pound solutions, the various  
14 processes.

15 Q. All right.

16 A. And of course they provided a machine that was  
17 about a two or three million dollar machine to mount all  
18 this on to --

19 Q. That was the Heidelberg press that they had  
20 purchased and been shipped over from Germany, true?

21 A. Yes, sir.

22 Q. How about drawings? Were there drawings?

23 A. Did they provide drawings?

24 Q. Uh-huh.

25 A. I've already stated that I'm not aware of any

1 drawings myself that they provided.

2 Q. How about written descriptions or  
3 instructions? Are you aware of any?

4 A. I'm not aware of any written, no.

5 Q. I had asked you before about negotiations of  
6 some sort between Williamson and PRI, and I had pretty  
7 much directed you to the period in time after the '363  
8 patent issue. I'd like to come back now, though, to an  
9 earlier period of time. Let us say 1995. Do you recall  
10 negotiations in 1995 about this process and equipment  
11 that was being worked on that we've testified about  
12 today?

13 A. Yes, sir. Some discussions, yes, sir.

14 Q. What were the discussions about, sir?

15 A. General discussions regarding a possibility of  
16 a cooperative effort to bring the product to the  
17 marketplace, certain conditions on both sides for  
18 exclusivity. And these were general discussions. There  
19 was never anything finalized about them, but that was --  
20 there were some discussions written in those -- in those  
21 matters.

22 Q. Can you tell me whether or not Williamson was  
23 asking for an exclusivity?

24 A. That was one of the points that was discussed.  
25 Yes, sir.



1 Q. Did they indicate why they wanted or felt they  
2 wanted an exclusivity?

3 A. I assume that they would have some reason that  
4 they wanted an exclusive for a competitive edge, but  
5 that was -- whatever their decision is on that is their  
6 decision.

7 Q. Do -- did you have an awareness of a  
8 nondisclosure agreement that was signed in '94,  
9 late '94, or more likely, '95 time frame?

10 MR. PINKERTON: Objection to the form of  
11 the question and leading.

12 A. I'm not aware of a nondisclosure agreement  
13 personally during that period of time.

14 Q. (By Mr. Harris) You don't recall that  
15 Mr. Williamson signed such an agreement?

16 MR. PINKERTON: Objection to form.  
17 Objection. Leading.

18 Q. (By Mr. Harris) That was between Williamson  
19 and Printing Research.

20 A. I'm not aware of such a document.

21 MR. HARRIS: Off the record just a  
22 second.

23 (Discussion off the record)

24 MR. HARRIS: Anybody got anything else? I  
25 don't have any other questions.

1 MR. PINKERTON: Give me just a minute to  
2 talk to --

3 MR. HARRIS: Take as long as you like.

4 MR. PINKERTON: -- Bill and Bobby.

5 THE VIDEOGRAPHER: We're off the video  
6 record at 4:18 p.m.

7 (Recess taken)

8 (Mr. Douglas left deposition proceedings)

9 THE VIDEOGRAPHER: We're back on the video  
10 record at 4:27 p.m.

11 MR. PINKERTON: We have no questions -- no  
12 further -- or no questions at this time.

13 (Off the record at 4:27 p.m.)

14 - - - - -  
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Issued by the  
**UNITED STATES DISTRICT COURT**  
 NORTHERN DISTRICT OF TEXAS

PRINTING RESEARCH INC. and  
 HOWARD W. DEMOORE,

Plaintiffs

**SUBPOENA IN A CIVIL CASE**

v.  
 WILLIAMSON PRINTING CORP.,  
 BILL L. DAVIS, and JESSE S. WILLIAMSON,  
 Defendants

Case Number:<sup>1</sup> 3-99-CV1154-M

TO: Steve M. Garner  
 Harris & Bruno, Inc.  
 209 Millcreek Drive  
 Arlington, Texas 76010

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Locke Liddell & Sapp LLP  
 2200 Ross Avenue, Suite 2200  
 Dallas Texas 75201-6776

DATE AND TIME

August 11, 2000 at 9 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below.

LIST DOCUMENTS OR OBJECTS:

See attached "Plaintiff's Amended Notice of Oral Deposition of Steve M. Garner," which describes the documents.

PLACE: Locke Liddell & Sapp LLP  
 2200 Ross Avenue, Suite 2200  
 Dallas Texas 75201-6776

DATE AND TIME

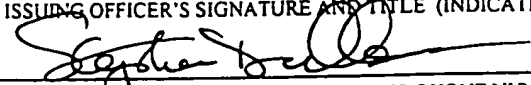
August 11, 2000 at 9 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  
  
 Attorney for Plaintiffs

DATE

August 2, 2000

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Stephen D. Wilson  
 Locke Liddell & Sapp LLP, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75201-6776  
 Telephone: (214) 740-8000

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

Δ π EXHIBIT 1

Deponent Garner

Date 8/11/00 Rptr. sg

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**PROOF OF SERVICE**


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**DECLARATION OF SERVER**


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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

---

 Rule 45, Federal Rules of Civil Procedure, Parts C & D:
**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a

party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



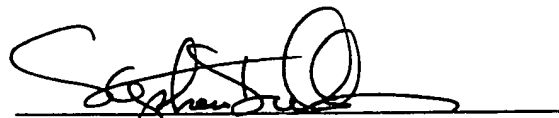
the Reissue Application of Bill L. Davis and Jesse S. Williamson for U.S. Patent 5,630,363. A copy of the "Declaration of Steve M. Garner" is attached as Exhibit A.

(2) All documents in his custody or control concerning the printing process of using a flexographic step prior to offset lithography in an on-line operation, all in one pass. Such documents include, but are not limited to, documents relating to the inventorship of such a process or of the technical or mechanical means of executing such a process.

(3) All documents relating to who invented the invention described in U.S. Patent 5,630,363.

Dated: August 2, 2000

Respectfully submitted,



William D. Harris, Jr.  
State Bar No. 09109000  
L. Dan Tucker  
State Bar No. 20276500  
Stephen D. Wilson  
State Bar No. 24003187  
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ATTORNEYS FOR PLAINTIFFS

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T09T50-9675T560

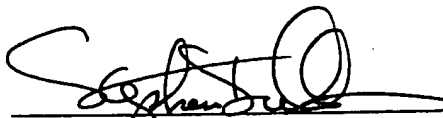
the Reissue Application of Bill L. Davis and Jesse S. Williamson for U.S. Patent 5,630,363. A copy of the "Declaration of Steve M. Garner" is attached as Exhibit A.

(2) All documents in his custody or control concerning the printing process of using a flexographic step prior to offset lithography in an on-line operation, all in one pass. Such documents include, but are not limited to, documents relating to the inventorship of such a process or of the technical or mechanical means of executing such a process.

(3) All documents relating to who invented the invention described in U.S. Patent 5,630,363.

Dated: August 2, 2000

Respectfully submitted,



William D. Harris, Jr.  
State Bar No. 09109000  
L. Dan Tucker  
State Bar No. 20276500  
Stephen D. Wilson  
State Bar No. 24003187  
LOCKE LIDDELL & SAPP LLP  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201-6776

ATTORNEYS FOR PLAINTIFFS

FILED "96/5/160

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing PLAINTIFFS' AMENDED NOTICE OF ORAL DEPOSITION OF STEVE M. GARNER was served on Defendants' counsel by hand delivery on August 2, 2000:

John P. Pinkerton  
WORSHAM, FORSYTHE & WOOLDRIDGE, L.L.P.  
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Stephen D. Wilson  
Texas Bar No. 24003187

09315796-051601  
FILED - 96/57E60



PATENT  
Our File: WILL 2501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:  
**BILL L. DAVIS and JESSE S. WILLIAMSON**

For Reissue of U. S. Patent 5,630,363  
Issued May 20, 1997  
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No.: 09/315,796

For: **COMBINED LITHOGRAPHIC/  
FLEXOGRAPHIC PRINTING  
APPARATUS AND PROCESS**

§  
§  
§  
§ Group Art Unit: 2854  
§  
§  
§ Examiner: S. Funk  
§ J. Hilten  
§  
§  
§  
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§  
§

**DECLARATION OF STEVE M. GARNER**

TO: The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

SIR:

I, Steve M. Garner, declare on my oath the following:

1. "I am over twenty-one (21) years of age, have never been convicted of a felony, and am competent to make this testimony. I am Regional Sales Manager, South Central Region for Harris and Bruno (Central Office: Roseville, California). I reside at 209 Mill Creek Drive, Arlington, Texas 76010. My curriculum vitae is attached hereto as Exhibit A.

2. "I was employed by Printing Research, Inc. ("PRI") from about April of 1994 through March of 2000. From the time I came to work until January 1997, I was Vice President of Sales for PRI, thereafter President through January 1998, and have held various other positions at PRI from January 1998 until my departure at the end of March, 2000.

3. "During the second half of 1994, during my tenure as Vice President of Sales of PRI, John Bird reported to me as Sales Manager. It became known to me during the summer of 1994 that Williamson Printing Corporation ("WPC") was seeking to purchase a number of IR and UV dryers for its new Heidelberg presses, the first of which was scheduled to arrive in late 1994. WPC's investment in a series of offset lithographic presses represented a double

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opportunity to PRI – first to sell dryers and other after-market equipment to WPC, and second, to establish ourselves with Heidelberg Drucksmaschinen A.G. and its American subsidiary Heidelberg U.S.A., Inc. as a supplier of drying systems. John Bird brought to PRI some "rack-back" blanket / plate coater technology, and PRI had available for sale as of mid-1994 a linear rack-back coater for end-of-press application.

4. There came a time during the fall of 1994 that John Bird came to me indicating that WPC wanted for us to go with a flexographic rack-back device up front in one or more of the forthcoming Heidelberg presses to be installed at WPC, instead of at the end, as they had always previously been installed. Bird did not tell me who the inventors were of the process – whether they were employees of WPC or PRI employees. At this time, I don't recall being told about the WIMS process of WPC, which issued shortly thereafter on December 6, 1994 as U.S. Pat. 5,370,976 (Jesse Williamson and others at WPC).

5. In October of 1994, PRI ran some tests for Rexham, a packaging converter company in Charlotte, North Carolina. We printed some metallic gold inks for Rexham as samples, some of which were preprinted. These were printed using an anilox roller at the end of PRI's two-color ("2/c") press. We were testing the gold inks for borders for cigarette carton customers. We later converted their end-of-press tower coater to an anilox coater. I showed some of our solid gold work on cigarette carton stock to Jesse Williamson in October, 1994.

6. PRI started in earnest the design and fabrication of an experimental "ferris wheel" or cantilevered, interstation "long-arm" "rack-back" device in the late fall of 1994. I recall blueprints of the device starting in December of 1994, with Ron Rendleman starting to make parts for the PRI 2/c press in December. At about that time, Bill Davis, of WPC, brought some Cyrel™ (duPont) flexographic plates over to PRI, with a design stating, "Williamson Printing Corporation", wanting tests using our anilox roller end-of-press coater equipped with these Cyrel™ plates so that Bill could ascertain if the plates had satisfactory resolution and he could determine the degree of registration problems he would have with the new process – putting the flexography printing step first. At about this time (December 1994), Rendleman began a "short-arm" modification in anticipation of an installation on WPC coater tower.

7. In January of 1995, I was in Heidelberg, Germany at the Holiday Inn when Bill Davis came up to me, telling me something about some extraordinary results they had achieved at the plant of Heidelberg Drucksmaschinen A.G. demonstrating a flexography step first compared to the older way that they had done it (WIMS), for some Rolex advertisements. I was encouraged by this, but would not know until March 20, 1995 when I saw some tests run at Williamson Printing Corporation how this would perform with PRI anilox coater.

8. In late February 1995, PRI installed our "short-arm" "rack-back" device on one of the coater towers, a new Heidelberg press at WPC. On or about March 20, 1995, I saw some tests run simulating the new process of WPC using the "short-arm" PRI pilot device concerning a middle-age advertisement - involving the Crusader, as I recall - using a flexographic step followed by multiple lithographic steps. Bill Davis and Jim Johnson were in control, giving directions to subordinates concerning the use of flexographic plates, flexographic inks and the negatives.

9. At no time during 1994, 1995, 1996 or 1997 did I ever hear Howard DeMoore, John Bird, Ron Rendleman, or anyone else at PRI ever indicate that the process of using a flexographic step prior to offset lithography was a PRI process or that they invented such a process, or any one of them invented such a process. After becoming aware of the Williamson's WIMS ('976) process, there was never a doubt in my mind that the process of using a flexographic step first originated at WPC. PRI did, however, after DRUPA 95 (starting May 5, 1995), demonstrate to several clients the feasibility of applying a flexographic material as a first down with the idea of overprinting litho in-line. This, of course, could only be demonstrated as multiple passes since PRI had only a 2/c press.

10. In April of 1995, after installation of the experimental pilot "short-arm" device at Williamson, PRI ordered from a local printer - Buchanan Lithographics, as I recall - some brochures concerning a proposed interstation "ferris wheel" or cantilevered "rack-back". Williamson had committed orally to us in February of 1995 to purchase at least one interstation "rack-back" which was currently in design along with the "short-arm", cantilevered device. PRI obtained, as I recall, a firm commitment to go ahead with the construction of the device in May 1995. I recall that as of the DRUPA conference at the start of May 1995, apart from the short-

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arm device made for WPC, all we had was our brochures, a few parts made by Rendleman for the "long-arm" device for the forthcoming PRI interstation press to be installed at WPC and some blueprints. By late August 1995, we had something ready to sell to Williamson in the form of an interstation unit. The normal gestation time to make such a device would be 90-110 days. I do not recall seeing anything in writing or otherwise at PRI concerning the "long-arm" proposed interstation device prior to December 1994. -- no invention records, no memoranda, no notebooks, no emails, no designs, no blueprints, no advertisements and no parts. Again, prior to DRUPA 95 (May 5, 1995), all we had was Williamson's commitment to go forward with the interstation design and the "short-arm", end-of-press device installed at WPC. To the best of my knowledge, the first time the process taught by Davis-Williamson (U.S. Pat. 5,630,363) was ever actually reduced to practice in this country was performed by Williamson Printing Corporation at their facility in Dallas shortly after the installation of our first "long-arm" device in late August or early September, 1995. Prior to that time, the process had only, to the best of my knowledge, been simulated (multiple passes with the flexography step first) by Williamson Printing Corporation in this country in March 1995 (the Brian Liester "Crusaders" poster) and perhaps in Germany in January 1995, but not by PRI because of the limitations of our 2/c press unit.

11. The Buchanan printed brochures in late April 1995 for DRUPA were very memorable. They were not printed using a flexography step first. They were printed to be available for distribution at the DRUPA Show in Germany scheduled to start May 5, 1995. PRI filed its patent application directed to a ferris wheel/cantilevered device on May 4, 1995, to protect the company's patent rights. At the DRUPA Show in Germany, I recall we had a non-working model of the proposed "ferris wheel" or cantilevered, "long-armed" device on the first unit of a mock-up 2/c press.

12. During late 1998, I became involved with a potential sale of a cantilevered "long-armed" device to Hallmark Company. Hallmark knew about the WIMS patent, U.S. Pat. 5,370,976. Hallmark's attorneys found U.S. Pat. 5,630,363 to Davis and Williamson and brought it to PRI's attention. I am not aware of any attempt on the part of Hallmark or PRI to approach Williamson to purchase a license to the '363 patent for Hallmark to use the '363 process. Howard DeMoore, who owns PRI and is in control of PRI, made a decision not to pay

WPC for a license on the grounds, as I understood at the time, that he had been involved in 1994 through 1995 in the design of the cantilevered "rack-back" device to be used in that process -- in DeMoore's words, he "enabled" them to use the process --, and on that basis, he reasoned he should not have to pay WPC any money.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Steve M. Garner  
Steve M. Garner

April 6, 2000  
Date:

0915796-051601

**STEVE MART GARNER**

209 Mill Creek Drive  
Arlington, Texas 76010  
(817) 265-8375

**EDUCATION: UNIVERSITY OF TEXAS AT ARLINGTON**  
B.S., Mechanical Engineering (Minor: Chemistry)

**MILITARY: U.S. COAST GUARD (Enlisted), Honorable Discharge**

**BUSINESS EXPERIENCE:**

**1974 - Present PRINTING RESEARCH, INC., Dallas TX**

*\$12,000,000 company producing custom designed accelerated drying systems, i.e., infrared, ultraviolet, forced hot air, for the printing and converting industry. Company's original product was an innovative anti-marking system (Super Blue) still utilized on many sheet fed litho presses*

'98 - Pres.

**Sales Director - OEM Accounts**

Promote sale of capital equipment to the commercial sheet fed and flexo corrugated printer manufacturers. Obtain vendor certification for companies' products with major OEM accounts

'97 - '98

**President, COO**

Assumed President position - duties remained same

'96 - '97

**Executive Vice President, Operations**

Assumed overall operational responsibilities with the objective of developing the organization infrastructure to support the growing capital product line. This involved physical plant expansion and technical staffing for engineering, manufacturing and R & D. Continued to oversee the company's marketing programs.

'94 - '96

**Vice President, Sales & Marketing**

Directed the efforts of the domestic (US and Canada) direct sales group consisting of National Sales Manager, Product Manager, and five regional sales personnel during the expansion of the product line to include capital equipment sales. Responsible for coordinating the activities of the international dealer network in the continuing marketing of the original Super Blue product and the introduction of a new generation product improvement to major OEM's. Oversee the advertising and trade show activities.

**1990 - 1994**

**SUN GRAPHIC TECHNOLOGIES, Fort Worth TX**

*U.S. Subsidiary corporation for a Japanese publishing organization. Established in 1990 with the primary objectives of developing, designing and marketing new technology specifically for the Graphic Art Industry.*

**Vice President**

Responsibilities included directing efforts of 10 engineers and technicians in the development and testing of new products for the improvement of printing quality with decreased environmental impact. Developed marketing programs for the sale and distribution of proven products into the domestic and international marketplace. Three patents issued for temperature control systems for offset printing presses.

**1986 - 1990**

**EPIC PRODUCTS CORPORATION, Dallas TX**

*\$8,000,000 company involved in the design, manufacture and marketing of custom designed equipment for the printing and converting market.*

W001304

**Vice President - Sales & Marketing**

Duties involved the direct sale of all products in the U.S. as well as overseeing and coordinating activities of international dealers in both Japan and Europe. Clients were printing and publishing companies as well as OEM accounts. Sales revenues increased an average of 20% per year during tenure.

Page 2

Steve Mart Garner

1986

**CONSOLIDATED ENGRAVERS CORPORATION, Charlotte NC**

\$25,000,000 company serving the converting, packaging and textile industries in the production of engraved cylinders for printing, coating and embossing.

**General Manager, Southwest Plant, Lancaster TX**

Responsibilities included regional sales activity and plant production. Facility staffed 25 personnel involved in engraving, manufacturing and electroplating of anilox rollers used in the converting industry. Clients included major packaging operations in the corrugated, paperboard, film and foil industries.

1973 - 1985

**DAHLGREN INTERNATIONAL, Dallas TX**

\$25,000,000 company manufacturing custom designed equipment for printing and paper converting industry.

'84 - '85

**General Manager - Europe**

Responsible for the parent company's European operations, which included a sales-service office in Brussels, Belgium and a manufacturing subsidiary in Augsburg, West Germany. The markets served by this operation included printing and publishing companies as well as the major OEMs producing equipment for worldwide distribution.

'82 - '84

**Vice-President - Product Development**

Responsibilities included management of all engineering groups, i.e., design engineering, manufacturing engineering, etc. related to the evaluation, design and testing of new products.

'78 - '82

**Vice-President - Sales**

Responsible for company total sales activities, which included five domestic regional sales managers, OEM sales, converting equipment sales, sales-service offices in Europe and Japan. Participated in the development and implementation of marketing plans for all company products, including budgets, projections, forecasts, dealer training, advertising and trade show participation.

'73 - '78

**International Marketing Manager**

Coordinated sales and marketing activities for company's European Branch office in Brussels, Belgium. In 1975, assumed full managerial responsibility for office, including P & L, Technical Support Staff, and Sales/Marketing expansion. Set up Dealer/Distribution Program in major European countries. During this time, the European branch grew to produce from less than 10% to over 50% of company's total revenue.

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W001305

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Deponent Garner  
Date 8/1/00 Rptr. scj  
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The gold metallic contained within this brochure was printed on a Heidelberg Speedmaster CD, 7 color, 40 inch press using a Super Blue® EZ Interstation Flexo Printer/Coater.

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**CORPORATE OFFICE**

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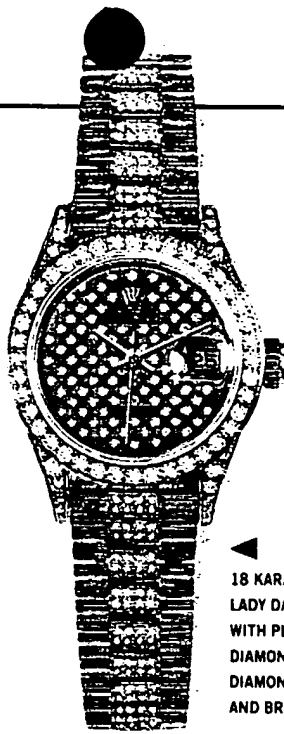
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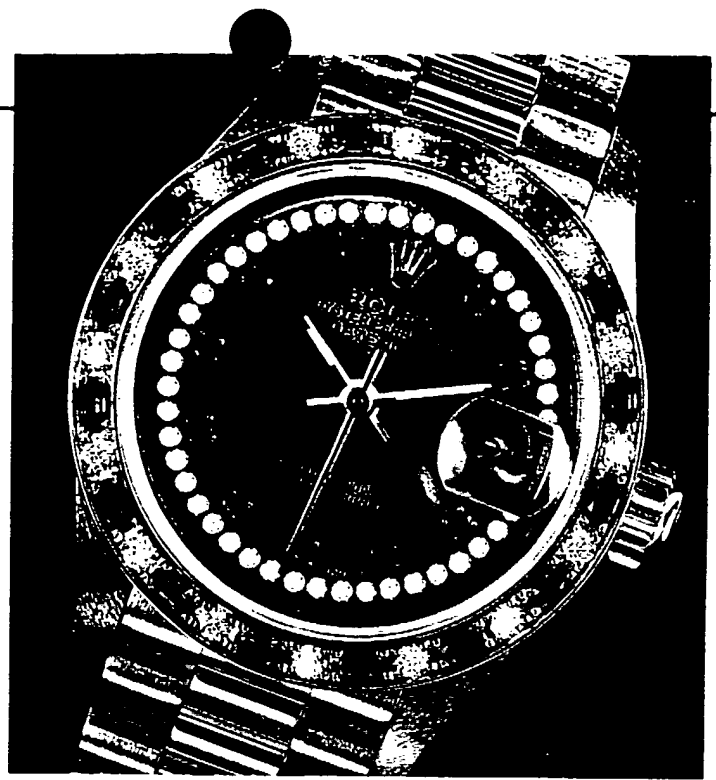
1120 Avenue of the Americas  
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Fax: 212/626/6756



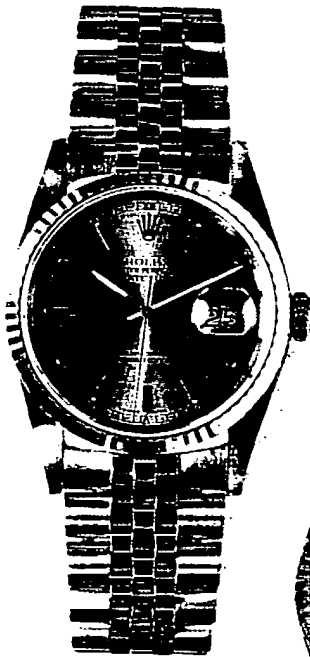
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18 KARAT GOLD  
LADY DATEJUST  
WITH PLEIADE  
DIAMOND DIAL,  
DIAMOND CASE  
AND BRACELET.



18 KARAT GOLD LADY DATEJUST, DIAMOND STRING DIAL WITH SAPPHIRE MARKERS  
AND SAPPHIRE AND DIAMOND BEZEL. ENLARGED TO SHOW DETAIL.



18 KARAT GOLD DATEJUST.

18 KARAT GOLD DAY-DATE  
WITH MOTHER-OF-PEARL JUBILEE  
DIAMOND DIAL AND DIAMOND  
PRESIDENT BRACELET.



LADIES' 18 KARAT GOLD  
OYSTER PERPETUAL.



18 KARAT GOLD  
LADY DATEJUST WITH  
MOTHER-OF-PEARL  
JUBILEE DIAMOND DIAL  
AND DIAMOND BEZEL.

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Simply insist upon a Rolex. ♦ Behind the dial that bears the Rolex emblem lies a movement of extraordinary design and craftsmanship. Whether you choose quartz or the famed Perpetual self-winding movement, it will be housed securely in a block of solid 18 karat gold or stainless steel. Giving you a watch that is seemingly impervious to the rigors of modern civilization. One you can depend on for years and years and years.



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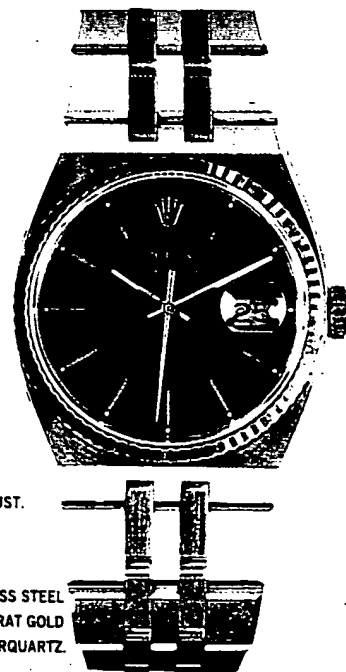
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▲ STAINLESS STEEL AND 18 KARAT GOLD DATEJUST.



▲ STAINLESS STEEL AND 18 KARAT GOLD OYSTER PERPETUAL DATE.

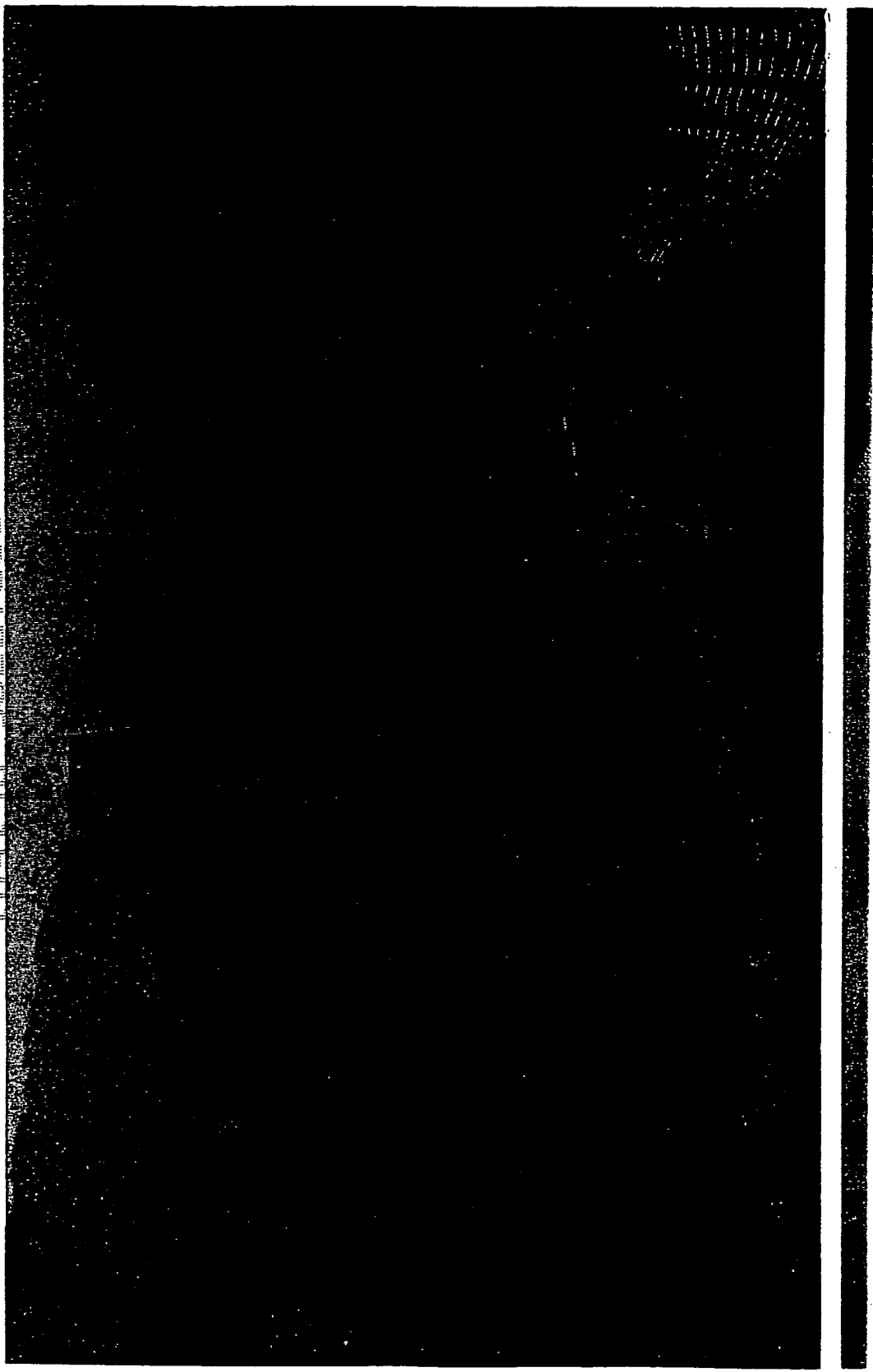


▲ STAINLESS STEEL AND 18 KARAT GOLD OYSTERQUARTZ.

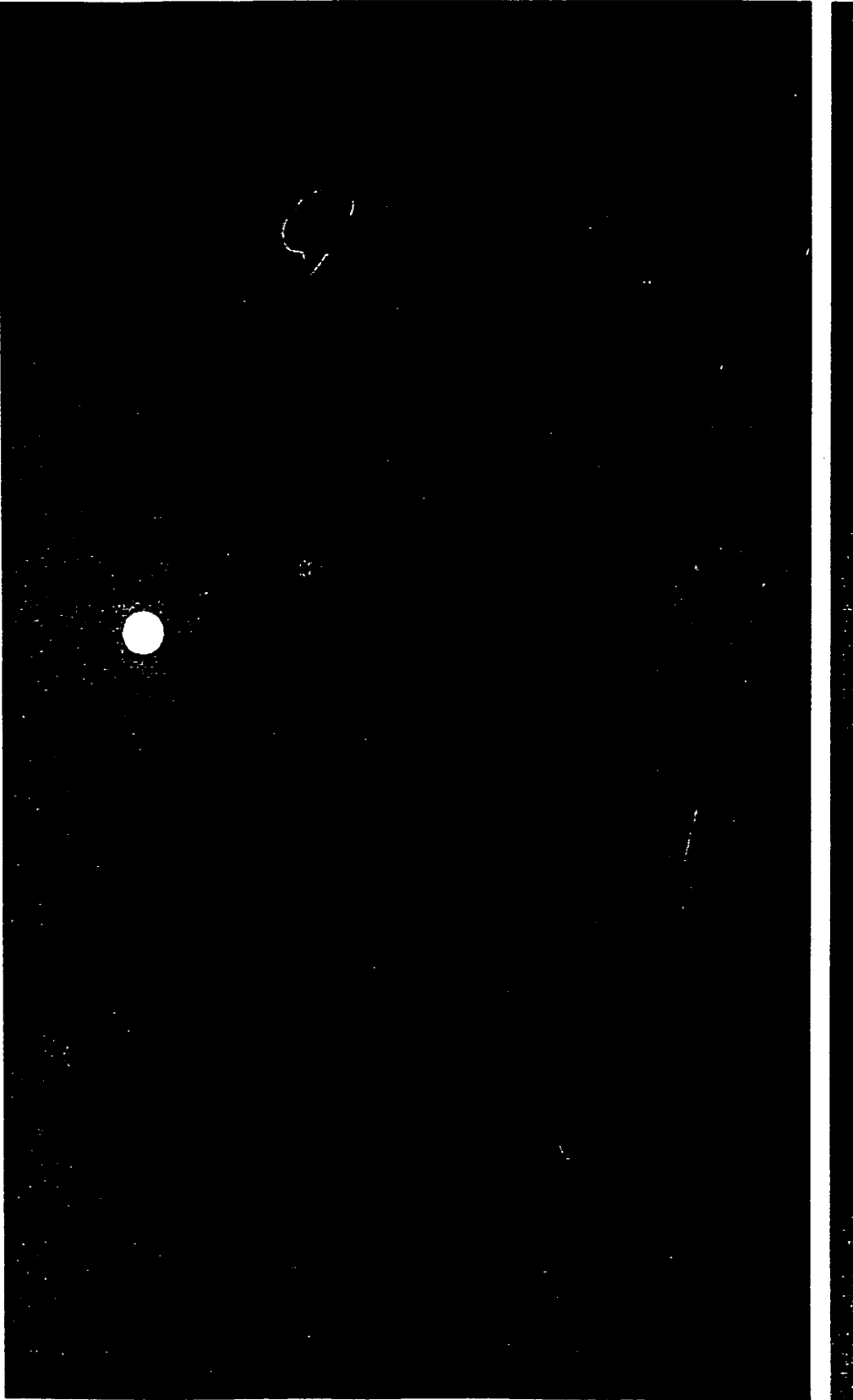
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# THE WIMS® PROCESS

**WHAT ARE THE BENEFITS TO THE END USER - WHAT EXTRA DOES IT GIVE YOU/WHAT ARE THE ADVANTAGES?**

- ① Realistic reproduction of metallic objects in print.
- ② Artistic applications ranging from life-like to surrealistic, depending on how and where the metallic effects are applied to an image.
- ③ Walk-by appeal. The reflectance of the printed image changes subtly as the viewing angle changes (somewhat akin to holography). This effect can occur when walking by a point-of-purchase display, when viewing a bus-mounted advertisement, when driving past a billboard or the simple act of turning a magazine page.
- ④ Increased attention span. The unique characteristics of metallic ink printing and the range of applications entice the viewer to look more closely at the reproduction, thereby enhancing viewer memory of the advertised product or service.
- ⑤ In the past few years metallic spot colors have become quite popular. These are inks made by mixing given percentages of metallic ink, generally gold or silver and some process or other spot color ink. To use multiple metallic spot colors on a page different inks would have to be formulated and run for each color. With the WIMS® system these colors could be emulated using metallic and process screen tint mixes in the same way spot colors are emulated with process tint combinations today.

**HOW IT WORKS (IN RELATION TO THE NORMAL FOUR COLOUR PROCESS).**

- ① Up to two additional separations (gold and/or silver) are produced from the original artwork.
- ② The four color separations are adjusted to accommodate the additional ink being printed in the metallic areas.
- ③ Since there are up to five colors to be printed in a given area screen moires are a potential concern. Historically, great effort was taken to mask out the least printing (tertiary) color so that only a maximum of four screened colors remained. This step can obviously be avoided with stochastic screening where screen moire is no longer an issue. We have also had great success using conventional screening at fine-line resolutions (175 line or higher) and duplicating the angle in the metallic sep with one of the traditional 4/c angles (gold at the same angle as magenta, silver at the same angle as cyan).
- ④ Proofing is typically done using DuPont Cromalin. Because of the larger particle size of the Cromalin powder vs the particle size used in offset inks there is a slightly greater sheen in the off-press proof than is achieved on the final printed piece. This is probably more true in areas where gold ink is printing than is silver.
- ⑤ Since silver and gold inks are both inherently opaque they are printed as the first-down colors. The remaining 4-color inks are printing in normal sequence though some adjustment of tack-rating may be required.
- ⑥ Some care must be taken with the metallic inks once they are out of the can to avoid tarnishing and oxidation of the inks.

**IS IT APPLICABLE TO TWO AND THREE COLOUR PROCESSES AS WELL?** Yes. There are some highly sophisticated B & W photographic printmaking processes utilizing platinum emulsions. These artistic methods are easily and realistically reproducible using black and gold inks in offset lithography. Old Daguerreotypes have an inherent metallic quality reproducible in this process as well.

**DOES THE PRINTING PROCESS CHANGE?** The key issue here is the in-line drying of the metallic inks so the process colors may be successfully overprinted in a single pass through the press. This can be achieved with good ink trapping and overprint measurements by the use of inter-station dryers, which force warm air over the sheet as it passes between printing units; leaving a vacant unit between the metallic ink printing unit and the first process ink printing unit to allow more drying time and/or manipulating the properties of the ink vehicle itself to achieve improved ink set-up and drying characteristics. Much work in this regard has been accomplished by Wolstenholme.

**HOW MUCH EXTRA DOES IT COST?** Whether 5 or 6 color (4 color process plus gold and/or silver) there are inherently 25-50% more films, proofing layers, plates and printing units than would be required for straight 4 color process printing. These additional costs can be projected on a fairly linear scale. Other cost factors have traditionally been the need to manually create the additional (gold and/or silver) separations on expensive high-end computer prepress systems and to print these pieces by "dry-trapping" the process colors over the metallics on press (i.e. running the job through the press twice). In the WIMS® system we have accomplished single-pass (wet-trapping) of the metallic and process inks which results in only half the press time previously required. On the front-end (separation) side, the color selective range tools, alpha channel masking and layering capabilities of Adobe Photoshop 3.0 and other highend desktop color software, combined with Applescript and other automation tools should help drive down the costs of creating the additional metallic seps. As seven-color (Hi-Fi) separation software tools come to market there are certainly opportunities to use these tools in the creation of metallic color separations also.

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**ACTUAL EXAMPLES OF HOW AND WHERE IT HAS BEEN USED.** The WIMS® process has been used on a variety of projects from sale sheets to point-of-purchase displays to annual reports to billboards. Following is a partial listing of those clients who chose WIMS® as the solution to various marketing needs.

Jaguar	James River Corporation
Lexus	Levi's 501 Jeans
Helzberg Diamonds	American Express Optima Card
Rolex Watches	Tecate Beer
Simpson Paper	Prime Sports Radio
Peterbilt Trucks	Potlatch Corporation

**WHICH METALLIC INKS ARE USED: GOLD, SILVER, OR COLORED METALLICS?** With duotone or tritone images, using colored metallics presents the opportunity to

achieve a panorama of special effects. Keep in mind, however, that colored metallic inks are still opaque. As such, producing screen combinations of two metallic inks should be limited to highlight to midtone areas to avoid the cancellation effect of the last down overprinting metallic color (ex. solid metallic red overprinting solid metallic purple equals only solid metallic red, the purple being hidden totally by the opaque metallic red.) In process printing, colored metallic inks are not required. The process colors themselves serve to create by overprint an enormous range of colored metallic effects. In fact, the cleaner, least contaminated gold and silver inks are preferred. Coloration of the metallic printing area can be added to by the overprinting of process color but cannot be reduced beyond the inherent color of the metallic ink itself. Gold printing ink powders are actually a combination of copper and zinc. Zinc is used to bring the reddish color of copper closer to the desired yellow-gold hue. Typical mixtures range from 10% to 30% zinc, with 20% zinc and 80% copper being the mixture used for WIMS® gold. Silver inks, made of polished aluminum, are inherently very neutral in hue. Beyond color, the critical issue with metallic inks is reflectance. Reflectance is controlled primarily by the size of the metallic particles used in the ink. The larger the particle size, the greater the reflectance or shine of the ink. Different printing processes demand the use of different particle sizes to achieve proper ink feed, transfer and printability. Traditionally, this has ranged from approximately 4 microns for offset printing to 11 microns for flexo. Wolstenholme has developed an offset ink using a 12 micron particle size while maintaining excellent print characteristics.

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INTERNATIONAL LTD

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PATENT  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:

**BILL L. DAVIS and JESSE S. WILLIAMSON**

For Reissue of U. S. Patent 5,630,363

Issued May 20, 1997

Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No.: 09/315,796

For: **COMBINED LITHOGRAPHIC/  
FLEXOGRAPHIC PRINTING  
APPARATUS AND PROCESS**

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§ Group Art Unit: 2854  
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§ Examiner: S. Funk  
§ J. Hiltner  
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**DECLARATION OF STEVE M. GARNER**

TO: The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

SIR:

I, Steve M. Garner, declare on my oath the following:

1. "I am over twenty-one (21) years of age, have never been convicted of a felony, and am competent to make this testimony. I am Regional Sales Manager, South Central Region for Harris and Bruno (Central Office: Roseville, California). I reside at 209 Mill Creek Drive, Arlington, Texas 76010. My curriculum vitae is attached hereto as Exhibit A.

2. "I was employed by Printing Research, Inc. ("PRI") from about April of 1994 through March of 2000. From the time I came to work until January 1997, I was Vice President of Sales for PRI, thereafter President through January 1998, and have held various other positions at PRI from January 1998 until my departure at the end of March, 2000.

3. "During the second half of 1994, during my tenure as Vice President of Sales of PRI, John Bird reported to me as Sales Manager. It became known to me during the summer of 1994 that Williamson Printing Corporation ("WPC") was seeking to purchase a number of IR and UV dryers for its new Heidelberg presses, the first of which was scheduled to arrive in late 1994. WPC's investment in a series of offset lithographic presses represented a double

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opportunity to PRI - first to sell dryers and other after-market equipment to WPC, and second, to establish ourselves with Heidelberg Drucksmaschinen A.G. and its American subsidiary Heidelberg U.S.A., Inc. as a supplier of drying systems. John Bird brought to PRI some "rack-back" blanket / plate coater technology, and PRI had available for sale as of mid-1994 a linear rack-back coater for end-of-press application.

4. There came a time during the fall of 1994 that John Bird came to me indicating that WPC wanted for us to go with a flexographic rack-back device up front in one or more of the forthcoming Heidelberg presses to be installed at WPC, instead of at the end, as they had always previously been installed. Bird did not tell me who the inventors were of the process - whether they were employees of WPC or PRI employees. At this time, I don't recall being told about the WIMS process of WPC, which issued shortly thereafter on December 6, 1994 as U.S. Pat. 5,370,976 (Jesse Williamson and others at WPC).

5. In October of 1994, PRI ran some tests for Rexham, a packaging converter company in Charlotte, North Carolina. We printed some metallic gold inks for Rexham as samples, some of which were preprinted. These were printed using an anilox roller at the end of PRI's two-color ("2/c") press. We were testing the gold inks for borders for cigarette carton customers. We later converted their end-of-press tower coater to an anilox coater. I showed some of our solid gold work on cigarette carton stock to Jesse Williamson in October, 1994.

6. PRI started in earnest the design and fabrication of an experimental "ferris wheel" or cantilevered, interstation "long-arm" "rack-back" device in the late fall of 1994. I recall blueprints of the device starting in December of 1994, with Ron Rendleman starting to make parts for the PRI 2/c press in December. At about that time, Bill Davis, of WPC, brought some Cyrel™ (duPont) flexographic plates over to PRI, with a design stating, "Williamson Printing Corporation", wanting tests using our anilox roller end-of-press coater equipped with these Cyrel™ plates so that Bill could ascertain if the plates had satisfactory resolution and he could determine the degree of registration problems he would have with the new process - putting the flexography printing step first. At about this time (December 1994), Rendleman began a "short-arm" modification in anticipation of an installation on WPC coater tower.

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7. In January of 1995, I was in Heidelberg, Germany at the Holiday Inn when Bill Davis came up to me, telling me something about some extraordinary results they had achieved at the plant of Heidelberg Drucksmaschinen A.G. demonstrating a flexography step first compared to the older way that they had done it (WIMS), for some Rolex advertisements. I was encouraged by this, but would not know until March 20, 1995 when I saw some tests run at Williamson Printing Corporation how this would perform with PRI anilox coater.

8. In late February 1995, PRI installed our "short-arm" "rack-back" device on one of the coater towers, a new Heidelberg press at WPC. On or about March 20, 1995, I saw some tests run simulating the new process of WPC using the "short-arm" PRI pilot device concerning a middle-age advertisement - involving the Crusader, as I recall - using a flexographic step followed by multiple lithographic steps. Bill Davis and Jim Johnson were in control, giving directions to subordinates concerning the use of flexographic plates, flexographic inks and the negatives.

9. At no time during 1994, 1995, 1996 or 1997 did I ever hear Howard DeMoore, John Bird, Ron Rendleman, or anyone else at PRI ever indicate that the process of using a flexographic step prior to offset lithography was a PRI process or that they invented such a process, or any one of them invented such a process. After becoming aware of the Williamson's WIMS ('976) process, there was never a doubt in my mind that the process of using a flexographic step first originated at WPC. PRI did, however, after DRUPA 95 (starting May 5, 1995), demonstrate to several clients the feasibility of applying a flexographic material as a first down with the idea of overprinting litho in-line. This, of course, could only be demonstrated as multiple passes since PRI had only a 2/c press.

10. In April of 1995, after installation of the experimental pilot "short-arm" device at Williamson, PRI ordered from a local printer - Buchanan Lithographics, as I recall - some brochures concerning a proposed interstation "ferris wheel" or cantilevered "rack-back". Williamson had committed orally to us in February of 1995 to purchase at least one interstation "rack-back" which was currently in design along with the "short-arm", cantilevered device. PRI obtained, as I recall, a firm commitment to go ahead with the construction of the device in May 1995. I recall that as of the DRUPA conference at the start of May 1995, apart from the short-

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arm device made for WPC, all we had was our brochures, a few parts made by Rendleman for the "long-arm" device for the forthcoming PRI interstation press to be installed at WPC and some blueprints. By late August 1995, we had something ready to sell to Williamson in the form of an interstation unit. The normal gestation time to make such a device would be 90-110 days. I do not recall seeing anything in writing or otherwise at PRI concerning the "long-arm" proposed interstation device prior to December 1994, -- no invention records, no memoranda, no notebooks, no emails, no designs, no blueprints, no advertisements and no parts. Again, prior to DRUPA 95 (May 5, 1995), all we had was Williamson's commitment to go forward with the interstation design and the "short-arm" end-of-press device installed at WPC. To the best of my knowledge, the first time the process taught by Davis-Williamson (U.S. Pat. 5,630,363) was ever actually reduced to practice in this country was performed by Williamson Printing Corporation at their facility in Dallas shortly after the installation of our first "long-arm" device in late August or early September, 1995. Prior to that time, the process had only, to the best of my knowledge, been simulated (multiple passes with the flexography step first) by Williamson Printing Corporation in this country in March 1995 (the Brian Liester "Crusaders" poster) and perhaps in Germany in January 1995, but not by PRI because of the limitations of our 2/c press unit.

11. The Buchanan printed brochures in late April 1995 for DRUPA were very memorable. They were not printed using a flexography step first. They were printed to be available for distribution at the DRUPA Show in Germany scheduled to start May 5, 1995. PRI filed its patent application directed to a ferris wheel/cantilevered device on May 4, 1995, to protect the company's patent rights. At the DRUPA Show in Germany, I recall we had a non-working model of the proposed "ferris wheel" or cantilevered, "long-armed" device on the first unit of a mock-up 2/c press.

12. During late 1998, I became involved with a potential sale of a cantilevered "long-armed" device to Hallmark Company. Hallmark knew about the WIMS patent, U.S. Pat. 5,370,976. Hallmark's attorneys found U.S. Pat. 5,630,363 to Davis and Williamson and brought it to PRI's attention. I am not aware of any attempt on the part of Hallmark or PRI to approach Williamson to purchase a license to the '363 patent for Hallmark to use the '363 process. Howard DeMoore, who owns PRI and is in control of PRI, made a decision not to pay



WPC for a license on the grounds, as I understood at the time, that he had been involved in 1994 through 1995 in the design of the cantilevered "rack-back" device to be used in that process -- in DeMoore's words, he "enabled" them to use the process --, and on that basis, he reasoned he should not have to pay WPC any money.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Steve M. Garner  
Steve M. Garner

April 6, 2000  
Date:

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**STEVE MART GARNER**

209 Mill Creek Drive  
Arlington, Texas 76010  
(817) 265-8375

**EDUCATION: UNIVERSITY OF TEXAS AT ARLINGTON**  
B.S., Mechanical Engineering (Minor: Chemistry)

**MILITARY: U.S. COAST GUARD (Enlisted), Honorable Discharge**

**BUSINESS EXPERIENCE:**

**1994 - Present PRINTING RESEARCH, INC., Dallas TX**

*\$12,000,000 company producing custom designed accelerated drying systems, i.e., infrared, ultraviolet, forced hot air, for the printing and converting industry. Company's original product was an innovative anti-marking system (Super Blue) still utilized on many sheet fed litho presses*

'98 - Pres.

**Sales Director - OEM Accounts**

Promote sale of capital equipment to the commercial sheet fed and flexo corrugated printer manufacturers. Obtain vendor certification for companies' products with major OEM accounts

'97 - '98

**President, COO**

Assumed President position - duties remained same

'96 - '97

**Executive Vice President, Operations**

Assumed overall operational responsibilities with the objective of developing the organization infrastructure to support the growing capital product line. This involved physical plant expansion and technical staffing for engineering, manufacturing and R & D. Continued to oversee the company's marketing programs.

'94 - '96

**Vice President, Sales & Marketing**

Directed the efforts of the domestic (US and Canada) direct sales group consisting of National Sales Manager, Product Manager, and five regional sales personnel during the expansion of the product line to include capital equipment sales. Responsible for coordinating the activities of the international dealer network in the continuing marketing of the original Super Blue product and the introduction of a new generation product improvement to major OEM's. Oversaw the advertising and trade show activities.

**1990 - 1994**

**SUN GRAPHIC TECHNOLOGIES, Fort Worth TX**

*U.S. Subsidiary corporation for a Japanese publishing organization. Established in 1990 with the primary objectives of developing, designing and marketing new technology specifically for the Graphic Art Industry.*

**Vice President**

Responsibilities included directing efforts of 10 engineers and technicians in the development and testing of new products for the improvement of printing quality with decreased environmental impact. Developed marketing programs for the sale and distribution of proven products into the domestic and international marketplace. Three patents issued for temperature control systems for offset printing presses.

**1986 - 1990**

**EPIC PRODUCTS CORPORATION, Dallas TX**

*\$8,000,000 company involved in the design, manufacture and marketing of custom designed equipment for the printing and converting market.*

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Vice President - Sales & Marketing  
 Duties involved the direct sale of all products in the U.S. as well as overseeing and coordinating activities of international dealers in both Japan and Europe. Clients were printing and publishing companies as well as OEM accounts. Sales revenues increased an average of 20% per year during tenure.

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Steve Martin Gardner

1986

**CONSOLIDATED ENGRAVERS CORPORATION, Charlotte NC**  
*\$25,000,000 company serving the converting, packaging and textile industries in the production of engraved cylinders for printing, coating and embossing.*

General Manager, Southwest Plant, Lancaster TX  
 Responsibilities included regional sales activity and plant production. Facility staffed 25 personnel involved in engraving, manufacturing and electroplating of anilox rollers used in the converting industry. Clients included major packaging operations in the corrugated, paperboard, film and foil industries.

1973 - 1985

**DAHLGREN INTERNATIONAL, Dallas TX**  
*\$25,000,000 company manufacturing custom designed equipment for printing and paper converting industry.*

'84 - '85

General Manager - Europe  
 Responsible for the parent company's European operations, which included a sales-service office in Brussels, Belgium and a manufacturing subsidiary in Augsburg, West Germany. The markets served by this operation included printing and publishing companies as well as the major OEMs producing equipment for worldwide distribution.

'82 - '84

Vice-President - Product Development  
 Responsibilities included management of all engineering groups, i.e., design engineering, manufacturing engineering, etc. related to the evaluation, design and testing of new products.

'78 - '82

Vice-President - Sales  
 Responsible for company total sales activities, which included five domestic regional sales managers, OEM sales, converting equipment sales, sales-service offices in Europe and Japan. Participated in the development and implementation of marketing plans for all company products, including budgets, projections, forecasts, dealer training, advertising and trade show participation.

'73 - '78

International Marketing Manager  
 Coordinated sales and marketing activities for company's European Branch office in Brussels, Belgium. In 1975, assumed full managerial responsibility for office, including P & L, Technical Support Staff, and Sales/Marketing expansion. Set up Dealer/Distribution Program in major European countries. During this time, the European branch grew to produce from less than 10% to over 50% of company's total revenue.

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